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P R O C E E D I N G S

10:40 a.m.

CHAIRPERSON MILLER: We have a Show Cause Hearing that was scheduled for 10 o'clock and that is Case Nos. 12-CMP-00194 and 12-251-00123, Sunshine Bar & Lounge located 7331 Georgia Avenue, N.W., License No. 85239 in ANC 4B.

Whenever you're ready, Mr. Adams.

MR. ADAMS: Morning, Walter Adams representing the District of Columbia.

CHAIRPERSON MILLER: Okay, is anybody here from Sunshine Bar & Lounge? Not seeing anyone, have you spoken with the licensee by any chance?

MR. ADAMS: No, I have not spoken with the licensee, Madam Chairman. Consistent with last week when we had hearings for this establishment, the establishment wasn't present last week either.

CHAIRPERSON MILLER: Right, I have no information that the establishment

1 contacted us in any way with respect to
2 attending this hearing. So are you ready to
3 proceed ex parte?

4 MR. ADAMS: Yes, the District is
5 prepared to proceed ex parte.

6 CHAIRPERSON MILLER: Okay. It's
7 now -- I would note it's 10:42 and the case
8 was scheduled for 10 o'clock a.m. Thank you.
9 Whenever you're ready.

10 MR. ADAMS: The District will
11 waive its opening statement and is willing to
12 proceed with some sole witness.

13 CHAIRPERSON MILLER: Okay.

14 MR. ADAMS: Mr. Bill Hager,
15 William Hager, I should say.

16 CHAIRPERSON MILLER: There are two
17 cases in one?

18 MR. ADAMS: Yes, this is a case
19 involving -- this is involving failure to make
20 payments for -- for payment of a fine. The
21 two matters were heard on the same day and so
22 the order is actually involved in them is a

1 combined order.

2 CHAIRPERSON MILLER: Okay, thank
3 you. WHEREUPON,

4 WILLIAM HAGER
5 WAS CALLED FOR EXAMINATION BY COUNSEL FOR THE
6 DISTRICT OF COLUMBIA AND, HAVING FIRST BEEN
7 DULY SWORN, WAS EXAMINED AND TESTIFIED AS
8 FOLLOWS:

9 DIRECT EXAMINATION

10 BY MR. ADAMS:

11 Q Will you please state your name
12 and spell it for the record?

13 A William Hager, H-A-G-E-R.

14 Q Mr. Hager, you are employed by the
15 D.C. Alcoholic Beverage Regulation
16 Administration, is that correct?

17 A That is correct.

18 Q In that role you are a public
19 information officer?

20 A Yes.

21 Q You also are responsible for being
22 custodian of records for the Agency, is that

1 correct?

2 A Correct.

3 Q As part of your responsibilities,
4 does that include the keeping and maintaining
5 of orders issued by the Board?

6 A Yes.

7 Q Does it also include keeping track
8 of what fines are paid and whether fines are
9 paid within a timely fashion?

10 A Correct. Whenever a fine would be
11 paid there would be a record of payment within
12 the ABRA record.

13 Q Are you familiar with the
14 establishment named Sunshine Bar & Lounge?

15 A I am.

16 Q I'm going to approach you with
17 what's marked as Government's Exhibit 1 with
18 the chair's approval.

19 CHAIRPERSON MILLER: Okay.

20 (Whereupon, the above-referred to
21 document was marked as Government
22 Exhibit 1 for identification.)

1 BY MR. ADAMS:

2 Q Mr. Hager, what is the document
3 that you're holding?

4 A This is an order of the ABC Board,
5 Order No. 2013-068 referencing Sunshine Bar
6 and Lounge, LLC t/a Sunshine Bar & Lounge.

7 Q And does it incorporate only one
8 case or two cases?

9 A The cases that are identified with
10 this order are 12-251-00123, as well as 12-
11 CMP-00194.

12 Q I guess the Board issued this
13 order
14 -- I apologize -- the 27th day of March 2013.
15 I guess turning to the bottom of page 8 of the
16 order, is there any penalty that's imposed by
17 the order?

18 A Yes, there is. There's a total
19 fine of \$10,750 and an 8-day suspension of the
20 ABC license.

21 Q And when was the fine supposed to
22 be paid, what time period was given?

1 A The fine was required to be paid
2 within 60 days from March 27, 2013.

3 Q And currently today being November
4 20th is that more than 60 days -- outside a
5 60-day period?

6 A That's correct. Their 60-day
7 period has expired.

8 Q And have you received any payments
9 of this fine?

10 A As of this morning, no, we have
11 not.

12 MR. ADAMS: All right. I'd like
13 to have admitted into evidence -- I'd like the
14 Board to take administrative notice of the
15 order that was issued in this case and admit
16 the District Exhibit 1 into evidence or I
17 guess really taking note of the order, of the
18 administrative notice of the order that's
19 already within the Board's records.

20 CHAIRPERSON MILLER: That's Order
21 No. 2013-068.

22 MR. ADAMS: Yes. Well, actually,

1 let me confirm that.

2 CHAIRPERSON MILLER: I'm reading
3 from the document, the order you gave me.

4 MR. ADAMS: Yes, it is.

5 CHAIRPERSON MILLER: Okay.

6 MR. ADAMS: I have no further
7 questions for Mr. Hager.

8 CHAIRPERSON MILLER: Do Board
9 members have any questions for Mr. Hager? No.
10 Thank you very much.

11 MR. HAGER: Thank you.

12 MR. ADAMS: The Government rests
13 its case.

14 CHAIRPERSON MILLER: So the record
15 is now closed in this case and do you filed
16 proposed findings of fact and conclusions of
17 law?

18 MR. ADAMS: No. The District will
19 resist its temptation to do so, but we will
20 waive.

21 CHAIRPERSON MILLER: Okay.

22 MEMBER ALBERTI: May I ask a

1 question?

2 CHAIRPERSON MILLER: Oh, yes, sir.

3 MEMBER ALBERTI: Have you given us
4 a recommendation?

5 MR. ADAMS: No, I have not given a
6 recommendation. The recommendation at this
7 point would be revocation, even assuming that
8 -- we already had two Show Cause Hearings last
9 week regarding this establishment, both for
10 primary tier offenses. This would also --
11 assuming in a vacuum that there's no decision
12 on those cases, this will be establishment's
13 fourth primary tier violation within a two-
14 year period and therefore the District would
15 recommend revocation of the license.

16 MEMBER ALBERTI: Just so I
17 understand. This would be their fourth based
18 on previously adjudicated cases?

19 MR. ADAMS: Exactly.

20 MEMBER ALBERTI: Based on the
21 cases in the order that were considered here?

22 MR. ADAMS: Right. This will be

1 the fourth violation based upon prior
2 decisions. This order and prior order
3 regarding substantial change that was already
4 adjudicated by the Board.

5 MEMBER ALBERTI: Thank you, Mr.
6 Walters.

7 MR. ADAMS: Thank you, no problem.

8 MEMBER ALBERTI: Mr. Adams, I'm
9 sorry.

10 CHAIRPERSON MILLER: Any other
11 questions? Okay, then I'm just going to read
12 the instructions for a closed meeting and take
13 a vote on that.

14 As chairperson of the Alcoholic
15 Beverage Control Board for the District of
16 Columbia and according to Section 405 of the
17 Open Meetings Amendment Act of 2010, I move
18 that the ABC Board hold a closed meeting for
19 the purpose of seeking legal advice from our
20 counsel on Case Nos. 12-CMP-00194 and 12-251-
21 00123, Sunshine Bar and Lounge per Section
22 405(b)(4) of the Open Meetings Amendment Act

1 of 2010 and deliberating upon these cases for
2 the reasons cited in Section 405(b)(13) of the
3 Open Meetings Amendment Act of 2010.

4 Is there a second?

5 MEMBER BROOKS: Second.

6 CHAIRPERSON MILLER: Mr. Brooks
7 has seconded the motion. I'll now take a roll
8 call vote in the motion that it's been
9 seconded.

10 Mr. Brooks?

11 MEMBER BROOKS: I agree.

12 CHAIRPERSON MILLER: Mr. Alberti?

13 MEMBER ALBERTI: I agree.

14 CHAIRPERSON MILLER: Ms. Miller
15 agrees.

16 Mr. Silverstein?

17 MEMBER SILVERSTEIN: I agree.

18 CHAIRPERSON MILLER: It appears
19 the motion has passed by a vote of 4-0-0. I
20 hereby give notice that the ABC Board will
21 hold a closed meeting in the ABC Board
22 conference room, likely today, pursuant to the

1 Open Meetings Amendment Act of 2010 and issue
2 an order within 90 days.

3 Okay. Thank you very much.

4 MR. ADAMS: Thank you.

5 CHAIRPERSON MILLER: Okay, our
6 next hearing is at 11 o'clock and I don't see
7 any individuals in the hearing room at this
8 time, so I think we'll recess and return at
9 11.

10 (Whereupon, at 10:50 a.m., the
11 Show Cause Hearing was concluded.)

12

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