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

11:45 a.m.

CHAIRPERSON MILLER: Okay. I'm going to call the case number 11-251-00304, Recess Bar, located at 727 15th Street, NW. License No. 81805 in ANC 2F.

Will the parties identify themselves for the record please.

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

MR. KLINE: Good morning. Andrew Kline on behalf of the licensee.

MR. OKETUNJI: Good morning, Olufisayo Oketunji the licensee.

CHAIRPERSON MILLER: Good morning. So, this is a Show Cause Hearing. Are there any preliminary matters?

MS. PHILLIPS: Yes, Madam Chair. The parties have reached an Offer in Compromise which we'd like to present to the Board at this time.

1 This is a three-count notice, sail
2 to minor, failure to check IDs and a security
3 plan violation.

4 In this particular case, the
5 investigative history reveals that they've
6 never had a sales to minor case before so part
7 of the Offer in Compromise would be for 821
8 they would get a warning which is mandated by
9 the statute.

10 For 823 usually I merge them into
11 all one count but an 823, which is failure to
12 check IDs, and in this particular case
13 allowing people who are under age into an
14 establishment that is supposed to be for 21
15 and over will be a fine of \$1,000 and five
16 days stayed.

17 And then the third charge is a
18 security plan violation which you've heard a
19 lot about, Rumors v. the Alcohol Board so that
20 one will have to be dismissed.

21 CHAIRPERSON MILLER: Mr. Kline,
22 any comments?

1 MR. KLINE: Just a couple. The
2 offer is acceptable to the licensee and if
3 it's accepted by the Board the licensee would
4 waive its right to a hearing.

5 I also want to add for the Board's
6 information that the licensee has discontinued
7 the use of promoters and, in fact, has
8 reoriented its establishment more towards
9 restaurant activities even though this is a CN
10 license. And the entertainment activities are
11 now mostly confined to Friday and Saturday
12 nights and the marketing, advertising and
13 promotion is being done in-house and not
14 through the use of outside promoters which
15 seemed to be an issue given what's in the
16 report here.

17 CHAIRPERSON MILLER: Okay. I just
18 want to repeat what I think the Offer in
19 Compromise is and I'm not sure I have the code
20 sections. I just want to make sure.

21 The sale to a minor offense, the
22 25-781 the warning.

1 MS. PHILLIPS: Oh, I'm sorry, I
2 said 8. I'm sorry.

3 CHAIRPERSON MILLER: Yes.

4 MS. PHILLIPS: I reversed the
5 numbers here.

6 CHAIRPERSON MILLER: Okay. So,
7 that's correct, right?

8 MS. PHILLIPS: Yes, 781.

9 CHAIRPERSON MILLER: Okay.
10 783, production of valid IDs is dismissed?

11 MS. PHILLIPS: No.

12 CHAIRPERSON MILLER: No. That's
13 the one --

14 MS. PHILLIPS: The \$1,000 fine.

15 CHAIRPERSON MILLER: \$1,000, okay.

16

17 MS. PHILLIPS: Five days stayed.

18 CHAIRPERSON MILLER: Five days
19 stayed.

20 MS. PHILLIPS: Count 3 is the
21 security plant violation which is now
22 dismissible under Rumors.

1 CHAIRPERSON MILLER: And that's
2 25-823? Is that right?

3 MS. PHILLIPS: 25-113D1, I think.

4 CHAIRPERSON MILLER: Oh, okay.

5 MS. PHILLIPS: And 823-6 is the
6 charging statute.

7 CHAIRPERSON MILLER: That's what I
8 meant. Okay. That one is dismissed?

9 MS. PHILLIPS: Yes.

10 CHAIRPERSON MILLER: Okay. And
11 that's your understanding as well, Mr. Kline,
12 right?

13 MR. KLINE: Yes. It is.

14 CHAIRPERSON MILLER: Okay. Do
15 Board Members have questions on this?

16 MEMBER ALBERTI: Again, for the
17 second --

18 CHAIRPERSON MILLER: Do you want
19 me to read it again?

20 MEMBER ALBERTI: Yes, just real
21 quickly.

22 CHAIRPERSON MILLER: Okay. There

1 were three counts.

2 MEMBER ALBERTI: I apologize.

3 CHAIRPERSON MILLER: 781, is a
4 warning, sale to minor. 783 would be a
5 penalty of \$1,000. When would that be paid
6 by?

7 MR. KLINE: Within 30 days.

8 CHAIRPERSON MILLER: Is that
9 agreeable to the Government, Ms. Phillips?

10 MS. PHILLIPS: It's fine.

11 CHAIRPERSON MILLER: Okay. 783,
12 production of valid ID required. That one
13 will be a penalty of \$1,000 to be paid within
14 30 days and the license will be suspended for
15 five days but that will be stayed.

16 MEMBER ALBERTI: Okay.

17 MS. PHILLIPS: For one year, yes.

18 CHAIRPERSON MILLER: For one year
19 pending no other violations. Okay.

20 And then 25-823 which dealt with
21 the security plan is dismissed in light of the
22 Court of Appeals Decision on Rumors. Okay.

1 You all have that?

2 MEMBER ALBERTI: Yes.

3 CHAIRPERSON MILLER: Okay. Any
4 questions for them? Comments? All right.

5 Then I would move then that we
6 approve this OSC for a warning D.C. Code
7 violation 781, sale to a minor. A penalty for
8 783, production of valid ID, a penalty of
9 \$1,000 to be paid within 30 days, license
10 suspended for five days but that will be
11 stayed for a year pending no further
12 violations. And the violation concerning the
13 security plan brought under 823 is dismissed.

14 Do I have a second?

15 MEMBER BROOKS: Second.

16 CHAIRPERSON MILLER: Any comments?

17 All those in favor of the motion
18 then to grant the OSC as stated say aye.

19 (AYES)

20 CHAIRPERSON MILLER: All those
21 opposed? All those abstaining?

22 Then the motion passes by a vote

1 of 4, zero, zero to accept the Offer in
2 Compromise.

3 MR. KLINE: Thank you.

4 CHAIRPERSON MILLER: Okay. Thank
5 you very much.

6 MS. PHILLIPS: Thank you.

7 (Whereupon, the above matter was
8 concluded at 11:51 a.m.)

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<p style="text-align: center;">A</p> <p>abstaining 8:21 accept 9:1 acceptable 4:2 accepted 4:3 activities 4:9,10 add 4:5 advertising 4:12 age 3:13 agreeable 7:9 ALBERTI 1:17 6:16,20 7:2,16 8:2 Alcohol 3:19 Alcoholic 1:2,12,13 allowing 3:13 ANC 1:8 2:6 Andrew 2:12 apologize 7:2 Appeals 7:22 approve 8:6 Assistant 2:10 Attorney 2:10 aye 8:18 AYES 8:19 a.m 2:2 9:8</p>	<p>4:17 5:3,6,9,12,15 5:18 6:1,4,7,10,14 6:18,22 7:3,8,11 7:18 8:3,16,20 9:4 charge 3:17 charging 6:6 check 3:2,12 CN 4:9 code 4:19 8:6 Columbia 1:1 2:11 comments 3:22 8:4 8:16 Compromise 2:21 3:7 4:19 9:2 concerning 8:12 concluded 9:8 confined 4:11 Control 1:2,12,13 correct 5:7 count 3:11 5:20 counts 7:1 couple 4:1 Court 7:22</p>	<p>fine 3:15 5:14 7:10 five 3:15 5:17,18 7:15 8:10 Friday 4:11 further 8:11</p>	<p style="text-align: center;">M</p> <p>Madam 2:19 mandated 3:8 marketing 4:12 matter 1:5 9:7 matters 2:18 meant 6:8 MEETING 1:3 Member 1:17,18 1:18 6:16,20 7:2 7:16 8:2,15 Members 2:11 6:15 merge 3:10 met 1:13 Miller 1:14,17 2:3 2:16 3:21 4:17 5:3,6,9,12,15,18 6:1,4,7,10,14,18 6:22 7:3,8,11,18 8:3,16,20 9:4 minor 3:2,6 4:21 7:4 8:7 morning 2:11,12 2:14,16 motion 8:17,22 move 8:5</p>	<p>Oketunji 2:14,15 Olufisayo 2:15 opposed 8:21 OSC 8:6,18 outside 4:14</p>
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