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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

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IN THE MATTER OF: :

NPB Group, LLC, : Case # 15-CC-00118

t/a Georgetown Piano Bar :

3287 M Street Northwest :

License #95632 Retailer CT :

Wednesday, March 9, 2016 :

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Wednesday, March 9, 2016

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

1       CHAIRPERSON:   DONOVAN ANDERSON, Presiding

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3       MEMBERS OF THE BOARD

4       NICK ALBERTI, BOARD MEMBER

5       RUTHANNE MILLER, BOARD MEMBER

6       JAMES SHORT, BOARD MEMBER

7       MIKE SILVERSTEIN, BOARD MEMBER

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9       OTHER PERSONS PRESENT

10       FERNANDO RIVERO, ESQ

11               On behalf of District of Columbia

12       MORGAN WILLIAMS

13               On behalf of Georgetown Piano Bar

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

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3 CHAIRPERSON ANDERSON: The next case on  
4 our calendar is #15-CC-00118, the Georgetown  
5 Piano Bar, license #95632, will the parties  
6 please approach?

7 MR. RIVERO: Good morning board members,  
8 Fernando Rivero for the District of Columbia.

9 MR. WILLIAMS: Good morning, Morgan  
10 Williams, owner Georgetown Piano Bar.

11 CHAIRPERSON ANDERSON: Good morning. Are  
12 there any preliminary matters?

13 MR. RIVERO: Yes, there are.

14 CHAIRPERSON ANDERSON: What are those,  
15 sir?

16 MR. RIVERO: The government will be  
17 dismissing this case for different reasons.  
18 Charge 1 and charge 2 are begin dismissed because  
19 the licensee received a written warning; that  
20 information was not conveyed to our office at the  
21 time, so that's the reason, there's a written  
22 warning already on the record. As to charge 3,

1 the charge that concerns the licensee's  
2 settlement agreement, that agreement dates from  
3 1995. The law that governs what could be in the  
4 settlement agreement and what could be  
5 enforceable was changed in 2013 to exclude the  
6 matter at issue here and the violation was  
7 alleged and subsequent to that in May of 2015.  
8 Thus, under the current law, the provision in the  
9 settlement agreement is not enforceable and the  
10 government cannot move forward and so we will be  
11 dismissing charge 3 on that ground. Any  
12 questions?

13 CHAIRPERSON ANDERSON: Can you -- can you  
14 just tell us what is the issue and what's the  
15 issue in charge 3, please?

16 MR. RIVERO: The settlement agreement  
17 says that the licensee is not -- cannot promote  
18 happy hour, can't have a happy hour, can't  
19 promote drink specials. And the law as it  
20 currently stands essentially says you can't do  
21 that, you can't tell a licensee -- you can't  
22 provide mandates concerning the price of

1 alcoholic beverages.

2 CHAIRPERSON ANDERSON: Okay. Go ahead  
3 Mr. Alberti.

4 MR. ALBERTI: Yeah, I mean, well I just  
5 actually want to look at our record.

6 MR. RIVERO: Sure.

7 CHAIRPERSON ANDERSON: For clarification,  
8 Mr. Rivero, can you tell us what is it -- what  
9 was charge 3 specifically.

10 MR. RIVERO: Certainly. You violated  
11 your settlement agreement by providing happy hour  
12 promotions of alcoholic beverages in violation of  
13 25-446 which is the settlement division of D.C.  
14 Code Title 25.

15 MR. ALBERTI: We had different  
16 information.

17 CHAIRPERSON ANDERSON: All right, does  
18 any other board members have any questions?

19 MR. ALBERTI: I'll just -- just for your  
20 clarification we had different information in  
21 some of the documents we have here as to the  
22 nature of the charge, so that is what our

1 confusion is, but I -- see it is here in the  
2 charging document and I understand completely.  
3 Thank you, Mr. Rivero. I just wanted to tell you  
4 why we were a little confused here.

5 MR. RIVERO: I was hoping to be as clear  
6 as possible.

7 MR. ALBERTI: Thank you.

8 CHAIRPERSON ANDERSON: Thank you always,  
9 Mr. Rivero, for your clarity on this matter that  
10 caused us great consternation this morning, so  
11 I'm glad that you brought further clarity to us.  
12 I then make a motion that we accept the  
13 government's motion to dismiss. Is there a  
14 second?

15 MR. SHORT: Second.

16 CHAIRPERSON ANDERSON: Mr. Short has  
17 seconded the motion. Those in favor say aye.

18 [Chorus of Ayes.]

19 Those opposed? The matter is passed 5-  
20 zero-zero. Thank you very much to both parties.

21 MR. RIVERO: Thank you.

22 MR. ALBERTI: Can I ask a question of the

1 owner?

2 CHAIRPERSON ANDERSON: Sure.

3 MR. ALBERTI: Have you -- what is the  
4 status of the settlement agreement? Has it been  
5 updated, has it been changed?

6 MR. RIVERO: Actually, the order, as part  
7 of the back and forth in understanding -- you  
8 know -- the strength of the government's case in  
9 this matter, I was advised that the licensee had  
10 requested a change in that settlement agreement  
11 and it was submitted to the board right around  
12 January.

13 MR. ALBERTI: Okay, so very good. I just  
14 wanted to make sure. It's easier if it's cleared  
15 up and we don't have to go over this again, so  
16 that's why I ask.

17 MR. RIVERO: That request was [inaudible  
18 20:22] was my understanding.

19 MR. ALBERTI: Great, very good, thank you  
20 sir. Thank you.