

Capital Reporting Company
In the Matter of: Lemlee Corporation, t/a Dancing Crab 09-19-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :
 :
Lemlee Corporation :
t/a Dancing Crab :
4615 41st Street, NW :
Retailer CR : Show Cause
License No. 889 : Hearing
ANC 3E : (Status)
Case No. 11-CMP-00485 :
Sale to Minor; Failed to Take :
Steps Necessary to Ascertain :
Legal Drinking Age :
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September 19, 2012

The Alcoholic Beverage Control

Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Washington, D.C., Ruthanne Miller, Chairperson, presiding.

PRESENT

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member
CALVIN NOPHLIN, Member
MIKE SILVERSTEIN, Member

ALSO PRESENT

MICHAEL STERN, OAG

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2	<p>1 PROCEEDINGS</p> <p>2 9:49 a.m.</p> <p>3 CHAIRPERSON MILLER: Okay. The next case is</p> <p>4 a show cause hearing case. Okay. That's 11-CMP-00485.</p> <p>5 I understand that the attorney -- the government is</p> <p>6 running late on this one. So we'll -- why don't we go</p> <p>7 by this one and come back to it?</p> <p>8 (WHEREUPON, at 9:49 a.m., the hearing went</p> <p>9 off record until 10:02 a.m.)</p> <p>10 CHAIRPERSON MILLER: Okay. We are back on</p> <p>11 the record. I believe the next case on our calendar is</p> <p>12 Case No. 111-CMP-00485 [sic], Dancing Crab, located at</p> <p>13 4615 41st Street, N.W., License No. 889 in ANC 3E.</p> <p>14 Would the parties please come forward and</p> <p>15 introduce yourselves for the record?</p> <p>16 MR. STERN: Good morning. Michael Stern</p> <p>17 representing the District of Columbia.</p> <p>18 CHAIRPERSON MILLER: Good morning.</p> <p>19 MR. FARMER: Good morning. John Farmer</p> <p>20 representing the Dancing Crab.</p> <p>21 CHAIRPERSON MILLER: Good morning.</p> <p>22 MR. CASTEN: Greg Casten representing Lemlee</p>	4
3	<p>1 Corporation, the Dancing Crab.</p> <p>2 MR. CIBEL: Tony Cibel, owner of the Dancing</p> <p>3 Crab.</p> <p>4 CHAIRPERSON MILLER: Okay. Good morning,</p> <p>5 everybody. Now, do we have a preliminary issue here to</p> <p>6 consider?</p> <p>7 MR. STERN: Yes. As the Board may remember</p> <p>8 this is a case where the Board has already heard</p> <p>9 evidence but has not reached a decision on the hearing.</p> <p>10 The parties wish to submit an agreement that they have</p> <p>11 made, which we hope the Board will accept as an offer</p> <p>12 in compromise, and which will resolve the outstanding</p> <p>13 case without the Board having to decide the hearing.</p> <p>14 The offer in compromise would be that the</p> <p>15 Dancing Crab would pay a fine of \$20,000 within 30 days</p> <p>16 and would turn in their license for safekeeping until</p> <p>17 such time as a transfer to new, approved owners was.</p> <p>18 They would turn over their license immediately.</p> <p>19 CHAIRPERSON MILLER: Okay. All right. Mr.</p> <p>20 Farmer, would you like to speak to that offer in</p> <p>21 compromise?</p> <p>22 MR. FARMER: Yes. Obviously that's an offer</p>	5
4	<p>1 that we worked out with the city and we do accept. I</p> <p>2 think the primary thing here is we want to make sure</p> <p>3 that the -- the building has actually been sold and a</p> <p>4 copy of the contract is what's submitted to the Board.</p> <p>5 And my understanding is the transfer itself is pending.</p> <p>6 So I'll -- see, what we'd like to do is, as Mr. Stern</p> <p>7 said, is turn in the license at this juncture.</p> <p>8 And hopefully, the transfer will be effective</p> <p>9 as soon as possible.</p> <p>10 CHAIRPERSON MILLER: Okay. Are there any</p> <p>11 questions by Board members? Yes, Mr. Brooks?</p> <p>12 MR. BROOKS: Yes. I just want to be clear.</p> <p>13 Now, the license will be turned in -- if we accept the</p> <p>14 OIC, the license will be turned in today?</p> <p>15 MR. FARMER: Yes.</p> <p>16 MR. BROOKS: All right. Thank you, Madam</p> <p>17 Chair.</p> <p>18 CHAIRPERSON MILLER: Okay. Any other</p> <p>19 questions? I'm going to repeat the offer in compromise</p> <p>20 as I heard it. Mr. Farmer, and I want to make sure</p> <p>21 that that is correct. It would be a \$20,000 fine to be</p> <p>22 paid within 30 days and the license would be turned in</p>	6
5	<p>1 today for safekeeping until the license is transferred</p> <p>2 to a new, approved owner?</p> <p>3 MR. FARMER: That's -- that is correct.</p> <p>4 CHAIRPERSON MILLER: Okay. Then at this</p> <p>5 point I would move to approve this offer in compromise,</p> <p>6 as I just articulated it.</p> <p>7 Do I have a second?</p> <p>8 MR. NOPHLIN: Second.</p> <p>9 CHAIRPERSON MILLER: Mr. Nophlin has seconded</p> <p>10 the motion. Any further comments?</p> <p>11 (No audible response.)</p> <p>12 CHAIRPERSON MILLER: All those in favor then</p> <p>13 of the motion to approve the offer in compromise, say aye?</p> <p>14 (Chorus of ayes.)</p> <p>15 CHAIRPERSON MILLER: All those opposed?</p> <p>16 MR. ALBERTI: Opposed.</p> <p>17 CHAIRPERSON MILLER: Then the motion passes</p> <p>18 by a vote of 4-1 to approve the offer in compromise.</p> <p>19 Thank you.</p> <p>20 MR. FARMER: Thank you.</p> <p>21 (WHEREUPON, at 10:06 a.m., the hearing was</p> <p>22 concluded.)</p>	7

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1 CERTIFICATE OF NOTARY PUBLIC

2
3 I, BRADLEY ANGLIN, the officer before whom the
4 foregoing hearing was taken, do hereby certify that the
5 testimony appearing in the foregoing transcript was
6 recorded by me and thereafter reduced to typewriting
7 under my direction; that said transcription is a true
8 record of the testimony given by said parties; that I
9 am neither counsel for, related to, nor employed by any
10 of the parties to the action in which this was taken;
11 and, further, that I am not a relative or employee of
12 any counsel or attorney employed by the parties hereto,
13 nor financially or otherwise interested in the outcome
14 of this action.

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BRADLEY ANGLIN
Notary Public in and for the
District of Columbia

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1 CERTIFICATE OF TRANSCRIPTION

2
3 I, MIRANDA PENNACHI, hereby certify that I am not
4 the Court Reporter who reported the following
5 proceeding and that I have typed the transcript of this
6 proceeding using the Court Reporter's notes and
7 recordings. The foregoing/attached transcript is a
8 true, correct and complete transcription of said
9 proceeding.

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Date MIRANDA PENNACHI
Transcriptionist

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<hr/> <p style="text-align: center;">\$</p> <p>\$20,000 3:15 4:21</p> <hr/> <p style="text-align: center;">1</p> <p>10:02 2:9 10:06 5:21 111-CMP-00485 2:12 11-CMP-00485 1:8 2:4 14th 1:14 19 1:11</p> <hr/> <p style="text-align: center;">2</p> <p>2000 1:14 2012 1:11</p> <hr/> <p style="text-align: center;">3</p> <p>30 3:15 4:22 3E 1:8 2:13</p> <hr/> <p style="text-align: center;">4</p> <p>4-1 5:18 41st 1:6 2:13 4615 1:6 2:13</p> <hr/> <p style="text-align: center;">8</p> <p>889 1:7 2:13</p> <hr/> <p style="text-align: center;">9</p> <p>9:49 2:2,8</p> <hr/> <p style="text-align: center;">A</p> <p>a.m 2:2,8,9 5:21 accept 3:11 4:1,13 action 6:10,14 actually 4:3</p>	<p>Age 1:10 agreement 3:10 ALBERTI 1:17 5:16 Alcoholic 1:2,12,13 already 3:8 am 6:9,11 7:3 ANC 1:8 2:13 ANGLIN 6:3,19 appearing 6:5 approve 5:5,13,18 approved 3:17 5:2 articulated 5:6 Ascertain 1:9 attorney 2:5 6:12 audible 5:11 aye 5:13 ayes 5:14</p> <hr/> <p style="text-align: center;">B</p> <p>believe 2:11 Beverage 1:2,12,13 Board 1:2,13 3:7,8,11,13 4:4,11 BRADLEY 6:3,19 Brooks 1:17 4:11,12,16 building 1:14 4:3</p> <hr/> <p style="text-align: center;">C</p> <p>calendar 2:11 CALVIN 1:18 case 1:8</p>	<p>2:3,4,11,12 3:8,13 Casten 2:22 cause 1:7 2:4 CERTIFICATE 6:1 7:1 certify 6:4 7:3 Chair 4:17 Chairperson 1:14,16 2:3,10,18,21 3:4,19 4:10,18 5:4,9,12,15,17 Chorus 5:14 Cibel 3:2 city 4:1 clear 4:12 Columbia 1:1 2:17 6:21 comments 5:10 complete 7:8 compromise 3:12,14,21 4:19 5:5,13,18 concluded 5:22 consider 3:6 contract 4:4 Control 1:2,12,13 copy 4:4 Corporation 1:5 3:1 correct 4:21 5:3 7:8 counsel 6:9,12 Court 7:4,6 CR 1:7</p>	<p>Crab 1:6 2:12,20 3:1,3,15</p> <hr/> <p style="text-align: center;">D</p> <p>D.C 1:14 Dancing 1:6 2:12,20 3:1,2,15 Date 7:14 days 3:15 4:22 decide 3:13 decision 3:9 direction 6:7 District 1:1 2:17 6:21 DONALD 1:17 Drinking 1:10</p> <hr/> <p style="text-align: center;">E</p> <p>effective 4:8 employed 6:9,12 employee 6:11 everybody 3:5 evidence 3:9</p> <hr/> <p style="text-align: center;">F</p> <p>Failed 1:9 Farmer 2:19 3:20,22 4:15,20 5:3,20 favor 5:12 financially 6:13 fine 3:15 4:21 foregoing 6:4,5 foregoing/ attached 7:7 forward 2:14</p>
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<p><u> </u> G <u> </u> given 6:8 government 2:5 Greg 2:22</p> <p><u> </u> H <u> </u> having 3:13 heard 3:8 4:20 hearing 1:7,13 2:4,8 3:9,13 5:21 6:4 hereby 6:4 7:3 hereto 6:12 HERMAN 1:18 hope 3:11 hopefully 4:8</p> <p><u> </u> I <u> </u> I'll 4:6 I'm 4:19 immediately 3:18 interested 6:13 introduce 2:15 issue 3:5</p> <p><u> </u> J <u> </u> John 2:19 JONES 1:18 juncture 4:7</p> <p><u> </u> L <u> </u> late 2:6 Legal 1:10 Lemlee 1:5 2:22 license 1:7 2:13 3:16,18</p>	<p>4:7,13,14,22 5:1 located 2:12</p> <p><u> </u> M <u> </u> Madam 4:16 MATTER 1:4 may 3:7 MEETING 1:3 Member 1:17,18,19 members 4:11 met 1:13 Michael 1:20 2:16 MIKE 1:19 Miller 1:14,16 2:3,10,18,21 3:4,19 4:10,18 5:4,9,12,15,17 Minor 1:9 MIRANDA 7:3,14 morning 2:16,18,19,21 3:4 motion 5:10,13,17 move 5:5</p> <p><u> </u> N <u> </u> N.W 1:14 2:13 Necessary 1:9 neither 6:9 NICK 1:17 Nophlin 1:18 5:8,9 nor 6:9,13 Notary 6:1,20 notes 7:6 NW 1:6</p>	<p><u> </u> O <u> </u> OAG 1:20 Obviously 3:22 offer 3:11,14,20,22 4:19 5:5,13,18 officer 6:3 OIC 4:14 opposed 5:15,16 otherwise 6:13 outcome 6:13 outstanding 3:12 owner 3:2 5:2 owners 3:17</p> <p><u> </u> P <u> </u> paid 4:22 parties 2:14 3:10 6:8,10,12 passes 5:17 pay 3:15 pending 4:5 PENNACHI 7:3,14 please 2:14 point 5:5 possible 4:9 preliminary 3:5 PRESENT 1:16,19 presiding 1:15 primary 4:2 proceeding 7:5,6,9 Public 6:1,20</p> <p><u> </u> Q <u> </u></p>	<p>questions 4:11,19</p> <p><u> </u> R <u> </u> reached 3:9 record 2:9,11,15 6:8 recorded 6:6 recordings 7:7 reduced 6:6 Reeves 1:14 related 6:9 relative 6:11 remember 3:7 repeat 4:19 reported 7:4 Reporter 7:4 Reporter's 7:6 representing 2:17,20,22 resolve 3:12 response 5:11 Retailer 1:7 Room 1:14 running 2:6 Ruthanne 1:14,16</p> <p><u> </u> S <u> </u> safekeeping 3:16 5:1 Sale 1:9 second 5:7,8 seconded 5:9 September 1:11 sic 2:12 SILVERSTEIN</p>
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<p>1:19 sold 4:3 speak 3:20 Status 1:8 Steps 1:9 Stern 1:20 2:16 3:7 4:6 Street 1:6,14 2:13 submit 3:10 submitted 4:4 sure 4:2,20</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>t/a 1:6 testimony 6:5,8 Thank 4:16 5:19,20 that's 2:4 3:22 5:3 thereafter 6:6 today 4:14 5:1 Tony 3:2 transcript 6:5 7:5,7 transcription 6:7 7:1,8 Transcriptionist 7:15 transfer 3:17 4:5,8 transferred 5:1 true 6:7 7:8 turn 3:16,18 4:7 turned 4:13,14,22 typed 7:5 typewriting 6:6</p>	<hr/> <p style="text-align: center;">U</p> <hr/> <p>understand 2:5 understanding 4:5</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>vote 5:18</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>Washington 1:14 we'd 4:6 we'll 2:6 WHEREUPON 2:8 5:21 whom 6:3 wish 3:10 worked 4:1</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>yourselves 2:15</p>		
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