

SHOPHOUSE

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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: :

Shophouse, LLC

t/a Shophouse Southeast Asian Kitchen

50 Massachusetts Avenue NE Case Number 15-CMP-00992

License Number 97214

Retailer DR

ANC 6C

SHOW CAUSE HEARING (STATUS)

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Wednesday, June 22, 2016

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

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2 CHAIRPERSON:

3 DONOVAN W. ANDERSON, Presiding

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5 OTHER PERSONS PRESENT:

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7 RUTHANNE MILLER, BOARD MEMBER

8 JAMES SHORT, BOARD MEMBER

9 MIKE SILVERSTEIN, BOARD MEMBER

10 NICK ALBERTI, BOARD MEMBER

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

2 CHAIRPERSON ANDERSON: All right. The next  
3 case on our show cause hearing status is Case Number  
4 15-CMP-00992, Shophouse Southeast Asian Kitchen, License  
5 Number 97214. Would the parties please approach and  
6 identify themselves for the record please.

7 MS. GEPHARDT: Chrissy Gephardt here on  
8 behalf of the Office of the Attorney General.

9 MR. MINORA: Matthew Minora from the firm  
10 Mallios & O'Brien on behalf of the licensee.

11 CHAIRPERSON ANDERSON: Good morning. Is  
12 your client expected to be here, sir, or you're just  
13 making it --

14 MR. MINORA: No. Our client was unable to  
15 attend. We only found out about the -- the issue as we  
16 saw The Board's calendar published.

17 CHAIRPERSON ANDERSON: Okay. All right.

18 MR. MINORA: I'm here on behalf of the  
19 client with authorization.

20 CHAIRPERSON ANDERSON: You said you just  
21 found out. How did you -- did your client advise  
22 your -- was your client served?

1 MR. MINORA: No. We had seen The Board's  
2 schedule and advised the client of the matter.  
3 Apparently there was some miscommunication -- or lack of  
4 communication between the local office here -- the local  
5 establishment here and the corporate office.

6 CHAIRPERSON ANDERSON: Okay.

7 MR. ALBERTI: So are you saying -- I'm  
8 just -- I'm trying to be helpful here. So you're saying  
9 that the local office here didn't -- didn't inform the  
10 corporate office?

11 MR. MINORA: Correct.

12 MR. ALBERTI: Okay. So that's who -- that's  
13 who you've been communicating with is -- is the  
14 corporate office?

15 MR. MINORA: Right.

16 MR. ALBERTI: I understand.

17 MR. MINORA: Yeah. We just saw The Board's  
18 schedule, and we did talk to them and they were unaware  
19 of it.

20 MR. ALBERTI: All right. I got you. Thank  
21 you. That makes sense.

22 CHAIRPERSON ANDERSON: All right. The --

1 the -- our notice basically stated that the -- the  
2 licensee was served on May 26, 2016.

3 Are -- are there any preliminary matters in  
4 this case, Ms. Gephardt, in so much as you've had a  
5 chance to talk to the --

6 MS. GEPHARDT: Yeah. There are preliminary  
7 matters. In this case we have agreed on an Offer in  
8 Compromise to consist of a \$300 fine for Charge 1, and  
9 Charge 2 will be dismissed or should be dismissed  
10 because a written warning was given by the investigator  
11 on December the 8th of 2015.

12 CHAIRPERSON ANDERSON: All right.

13 MS. GEPHARDT: If this fine is not paid  
14 within 30 days, the license will be immediately  
15 suspended, and -- and that's it.

16 CHAIRPERSON ANDERSON: Mr. Minora.

17 MR. MINORA: Yes. Yes, sir.

18 CHAIRPERSON ANDERSON: Okay. Good morning.  
19 All right. It's my understanding that there is an Offer  
20 in Compromise and the Offer in Compromise that there is  
21 a fine. On Charge 1 there is a fine of \$300 payable in  
22 30 days. If it's not payable in 30 days, the license

1 will be suspended until compliance of the -- until the  
2 fine has been paid and Charge 2 has been dismissed  
3 because there is a written warning. Is this your  
4 understanding, sir, of the Offer in Compromise?

5 MR. MINORA: Yes. Correct. We're prepared  
6 to pay the fine in full this morning.

7 CHAIRPERSON ANDERSON: All right. Thank  
8 you. Are you aware that by accepting an Offer in  
9 Compromise you're giving up your right to a hearing?

10 MR. MINORA: Right.

11 CHAIRPERSON ANDERSON: And you're also aware  
12 that you're also giving up your right to appeal this  
13 matter?

14 MR. MINORA: Yes.

15 CHAIRPERSON ANDERSON: All right. Thank  
16 you. I then make a motion that this Offer in Compromise  
17 of a \$300 fine payable -- Ms. Gephardt said in 30 days,  
18 the licensee said that it would pay today -- but payable  
19 in 30 days be accepted. If it's not paid in 30 days,  
20 the license will be suspended. Charge 2 will be  
21 dismissed because a written warning was already issued.  
22 Is there a second?

1 MR. SHORT: Second.

2 CHAIRPERSON ANDERSON: Mr. Short has  
3 seconded the motion. Are there any discussions?  
4 Hearing none all those in favor say aye. [Chorus of  
5 ayes]. Those opposed. [No audible response]. The  
6 matter passed 5-zero-zero.

7 Thank you very much. We'll have you sign  
8 some paperwork.

9 MR. MINORA: Thank you.

10 CHAIRPERSON ANDERSON: Don't leave just yet.  
11 We're going to have you sign -- we're going to have you  
12 sign some documentation. You can sit in the audience.  
13 Yes, please.

14 (Whereupon the above-entitled matter was  
15 concluded.)

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