

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
3 ALCOHOLIC BEVERAGE CONTROL BOARD
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6 IN THE MATTER OF: :
7 STK, LLC, : CASE #15-CMP-00795
8 t/a STK :
9 1250 Connecticut Ave :
10 License #92844 :
11 Retailer Class CR :
12 ANC 2B :
13 Monday, March 30, 2016 :

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15 Monday, March 30, 2016

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

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1 CHAIRPERSON:

2 DONOVAN ANDERSON, Presiding

3

4 MEMBERS OF THE BOARD:

5 NICK ALBERTI

6 JAMES SHORT

7 MIKE SILVERSTEIN

8 RUTHANNE MILLER

9

10 OTHER PERSONS PRESENT

11 AMY SCHMIDT

12 FELICIA DANTZLER

13

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

2 CHAIRPERSON ANDERSON: We're back on the
3 record. Our next case is a show cause hearing
4 for case #15-CMP-00795, STK, License #92844.
5 Will the parties please approach?

6 MS. SCHMIDT: Good afternoon, Amy
7 Schmidt, Assistant Attorney General on behalf of
8 the District of Columbia.

9 CHAIRPERSON ANDERSON: And I do not see
10 the licensee here. Ms. Schmidt do you know
11 whether or not your licensee was served?

12 MS. SCHMIDT: I've placed the file, the
13 licensee was served, and Ms. Dantzler could
14 testify more because she just spoke to the
15 licensee on the phone.

16 CHAIRPERSON ANDERSON: All right.

17 MS. DANTZLER: We spoke to the licensee
18 on the phone and we informed her the hearing was
19 today. He said he didn't know about the hearing
20 and we asked him to come down, we offered him an
21 offer in compromise and he said he couldn't come
22 down right now as he's headed for an event. The

1 applicant is going to continue to another day to
2 accept the OIC.

3 CHAIRPERSON ANDERSON: So, what's the
4 government's position on what that -- does the
5 government -- I think, I'm looking in the record
6 to see if we have notice in the records. It's my
7 understanding that the licensee was served, so
8 that's why I'm looking. Our ABRA records state
9 that the notice was served on January 17, 2016.
10 That's our record. So, is the government
11 prepared to move ex parte? What's the
12 government's position?

13 MS. SCHMIDT: The government is ready to
14 move ex parte, but if the board wishes to
15 continue it, the government will not object
16 either, but the government is ready to move ex
17 parte right now.

18 CHAIRPERSON ANDERSON: Well, if the
19 government is ready to move ex parte then since
20 the license, our records show that he was served,
21 and so, therefore, if the government is ready to
22 move forward then let's move forward. Does the

1 government wish to make an opening statement?

2 MS. SCHMIDT: The government will waive
3 its opening statement and call Ms. Felicia
4 Dantzler, the ABRA investigator, to the stand.

5 CHAIRPERSON ANDERSON: All right, Ms.
6 Dantzler. Do you swear or affirm to tell the
7 truth and nothing but the truth?

8 MS. DANTZLER: I do.

9 CHAIRPERSON ANDERSON: Thank you. Your
10 witness.

11 MS. SCHMIDT: Yes, Investigator Dantzler,
12 can you please state your name for the record?

13 MS. DANTZLER: Felicia Dantzler.

14 MS. SCHMIDT: And by whom are you
15 employed?

16 MS. DANTZLER: With the Alcoholic
17 Beverage Regulation Administration.

18 MS. SCHMIDT: And in what capacity are
19 you employed and how long have you been there?

20 MS. DANTZLER: I have been an
21 investigator for nine years.

22 MS. SCHMIDT: And drawing your attention

1 to Saturday, October 10, 2015, at approximately
2 9:30 p.m. were you at STK which is located at
3 1250 Connecticut Avenue Northwest in Washington
4 D.C.

5 MS. DANTZLER: Yes.

6 MS. SCHMIDT: S-T-K I should say just to
7 be clear for the record. And what were you doing
8 there?

9 MS. DANTZLER: I went to STK to conduct a
10 regulatory inspection.

11 MS. SCHMIDT: And so, what happened when
12 you got there?

13 MS. DANTZLER: At approximately 9:30 I
14 arrived at the establishment and identified
15 myself to a female host. I requested to speak to
16 the ABC manager or owner. Shortly thereafter, a
17 gentleman appeared and identified himself as Ben
18 Arnat -- I believe that last name is -- and
19 stated that he was the manager on duty.

20 MS. SCHMIDT: And did you ask to speak to
21 an ABC manager there.

22 MS. DANTZLER: I did. I asked Mr. Arnat

1 if he was the ABC manager and he stated "no" and
2 I asked him if he was part of the ownership and
3 he stated "no."

4 MS. SCHMIDT: And so what did he say --
5 did he say anything about an ABC manager?

6 MS. DANTZLER: Yes, he did state that
7 there was an ABC manager on site, however she had
8 to leave to relocate her car.

9 MS. SCHMIDT: And so did you wait to see
10 if she came back?

11 MS. DANTZLER: Yes. I told Mr. Arnat
12 that I would wait a few minutes and the few
13 minutes turned into half an hour and a female
14 later appeared some 30 minutes later. I cannot
15 recall her name; however, she did produce an ABC
16 manager's license which was valid and she stated
17 that the reason she was not inside the
18 establishment was because she had to take care of
19 a family matter.

20 MS. SCHMIDT: While she was gone did you
21 observe any alcohol being served or consumed?

22 MS. DANTZLER: Yes.

1 MS. SCHMIDT: And what happened after you
2 spoke to her?

3 MS. DANTZLER: I just took her
4 credentials, her driver's license and her ABC
5 manager's license to confirm that the ABC
6 manager's license was actually her license and I
7 advised the establishment that I would check ABRA
8 records to determine if this violation had
9 happened in the past to determine the amount of
10 the fine.

11 MS. SCHMIDT: And had this happened in
12 the past?

13 MS. DANTZLER: No, it had not.

14 MS. SCHMIDT: No further questions at
15 this time.

16 CHAIRPERSON ANDERSON: Do we have any
17 questions by any board members? Ms. Miller.

18 MS. MILLER: No I got my answer. Thank
19 you.

20 CHAIRPERSON ANDERSON: Mr. Alberti.

21 MR. ALBERTI: I just want to clarify.
22 You said that it was approximately 30 minutes

1 from the time you entered to the time the manager
2 appeared?

3 MS. DANTZLER: Yes.

4 MR. ALBERTI: Thank you. And, how do you
5 know that?

6 MS. DANTZLER: I monitored by using my
7 watch.

8 MR. ALBERTI: Okay, thank you. No
9 further questions.

10 MS. DANTZLER: You're welcome.

11 CHAIRPERSON ANDERSON: Any other
12 questions from any board members?

13 MS. MILLER: I guess I'll ask this.

14 CHAIRPERSON ANDERSON: Yes, Ms. Miller.

15 MS. MILLER: Just with respect to what
16 kind of alcohol service you saw during the period
17 that she was out?

18 MS. DANTZLER: Various wines and mixed
19 drinks as well as beer.

20 MS. MILLER: So from a bar, or from
21 waiting?

22 MS. DANTZLER: From both. I was in the

1 entry waiting for the ABC manager owner to
2 appear, when I first got there I walked around
3 the establishment and noticed the bartender
4 taking -- fulfilling orders for alcoholic
5 beverages and several tables had mixed drinks as
6 well as wine atop the tables.

7 MS. MILLER: Thank you.

8 CHAIRPERSON ANDERSON: Any other
9 questions, Ms. Miller?

10 MS. MILLER: No thank you, that's it.

11 CHAIRPERSON ANDERSON: Any other
12 questions by any other board members? Ms.
13 Schmidt, do you have any questions of the witness
14 based on the questions that the board asked?

15 MS. SCHMIDT: No, I do not.

16 CHAIRPERSON ANDERSON: Ms. Dantzler thank you
17 for your testimony, you may step down.

18 MS. DANTZLER: Thank you.

19 CHAIRPERSON ANDERSON: Does the
20 government have any other witnesses?

21 MS. SCHMIDT: No, no we do not.

22 CHAIRPERSON ANDERSON: Does the

1 government have any documents that they wish to
2 move into evidence?

3 MS. SCHMIDT: Only what's in the record.
4 The investigator's report which is already a part
5 of the record.

6 CHAIRPERSON ANDERSON: So, basically, the
7 government wants to move the investigative record
8 in the record.

9 MS. SCHMIDT: Yes.

10 CHAIRPERSON ANDERSON: Does the
11 government rest?

12 MS. SCHMIDT: I'm sorry, does the
13 government?

14 CHAIRPERSON ANDERSON: Does the
15 government rest?

16 MS. SCHMIDT: Yes, we do, I'm sorry, yes.

17 CHAIRPERSON ANDERSON: Does the
18 government wish to make a closing statement?

19 MS. SCHMIDT: Just extremely briefly,
20 that on October 10, 2015, at 9:30 p.m. STK in the
21 District of Columbia was operating without a
22 licensed ABC manager there and this is shown

1 through the testimony of Investigator Dantzler
2 who stated that when she went in there no one was
3 there for at least half an hour and drinks were
4 being served and consumed -- alcoholic drinks.

5 CHAIRPERSON ANDERSON: So what is it the
6 government is asking the board to do? What
7 penalty, if any, does the government recommend to
8 the board.

9 MS. SCHMIDT: We are recommending giving
10 a fine of \$350.

11 CHAIRPERSON ANDERSON: And, why is this -
12 - is this fine in the statutory range?

13 MS. SCHMIDT: Yes, it is.

14 CHAIRPERSON ANDERSON: And just?

15 MS. SCHMIDT: It's a statutory because
16 it's a first second tier violation.

17 CHAIRPERSON ANDERSON: So, the government
18 thinks that a fine of \$350 is reasonable?

19 MS. SCHMIDT: Yes.

20 CHAIRPERSON ANDERSON: All right, thank
21 you. I -- I mean we're here, there's a decision.
22 Does the board wish to vote on this case on the

1 dais or do we need to take it under
2 investigation?

3 MR. ALBERTI: I'd rather take it to the
4 back. That's my thought.

5 MR. SILVERSTEIN: Yes, Mr. Chairman, I
6 do.

7 CHAIRPERSON ANDERSON: Yes what?

8 MR. SILVERSTEIN: Discuss in the back.

9 CHAIRPERSON ANDERSON: All right.

10 MS. MILLER: Mr. Chair, for the record
11 I'm ready to do it here but I respect the wishes
12 of my colleagues.

13 CHAIRPERSON ANDERSON: Since two members
14 say they want to discuss it, that's, I'll take it
15 around back.

16 MS. MILLER: Okay.

17 CHAIRPERSON ANDERSON: Since two members
18 want to -- As Chairperson of the Alcoholic
19 Beverage Control Board for the District of
20 Columbia, in accordance with D.C. Official Code
21 Section 2574B of the Open Meetings Act I move
22 that the ABC Board hold a closed meeting for the

1 purpose of seeking legal advice from our counsel
2 on case #15-CMP-00795 STK and deliberate upon
3 case #15-CMP-00795 STK for the reasons cited in
4 D.C. Official Code Section 2574 B13 of the Open
5 Meetings Act. Is there a second?

6 MR. SHORT: Second.

7 CHAIRPERSON ANDERSON: Mr. Short has
8 seconded the motion. Now I will take a roll call
9 vote on the motion before us now that it has been
10 seconded. Ms. Miller?

11 MS. MILLER: Agree.

12 CHAIRPERSON ANDERSON: Mr. Alberti?

13 MR. ALBERTI: Agree.

14 CHAIRPERSON ANDERSON: Mr. Short?

15 MR. SHORT: I agree.

16 CHAIRPERSON ANDERSON: Mr. Silverstein?

17 MR. SILVERSTEIN: I agree.

18 CHAIRPERSON ANDERSON: Mr. Anderson -- I
19 agree. It appears that the motion has passed I
20 hereby give notice that the ABC board will recess
21 these proceedings to hold a closed meeting in the
22 ABC conference room pursuant to Section 2574B of

1 the Open Meetings Act. Thank you. We'll make a
2 decision shortly.

3 MS. SCHMIDT: Thank you.

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5 (Whereupon, the above-entitled matter was
6 concluded.)

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