

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

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

- - - - -X

IN THE MATTER OF: :

Services, LLC: Case # 16-CMP-00503

t/a The Alibi :

237 2nd Street NW :

License #97969 Retailer CR :

ANC 6C :

Failed to Comply with Board Order

- - - - -X

Wednesday, November 2, 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.

1 BOARD MEMBERS PRESENT

2 NICK ALBERTI, BOARD MEMBER

3 JAMES SHORT, BOARD MEMBER

4 MIKE SILVERSTEIN, BOARD MEMBER

5 JAKE PERRY, BOARD MEMBER

6 MAFARA HOBSON

7

8 ALSO PRESENT:

9 ZACHARY SHAPIRO

10 BRENDAN KLAPROTH

11 RACHEL TRAVERSO

12

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

2

3 CHAIRPERSON ANDERSON: The next case on  
4 our calendar is case #16-CMP-00503, the Alibi,  
5 license #97969. Will the parties please approach  
6 and identify themselves for the record, please?

7 MR. SHAPIRO: Mr. Chairman, can I make a  
8 request on this, that we recall at the end of the  
9 status docket? I need to talk to one other  
10 person. This case is a brief argument, so I just  
11 want to make sure that --

12 CHAIRPERSON ANDERSON: All right, fine. I'll  
13 recall this case.

14 MR. SHAPIRO: Thank you.

15 CHAIRPERSON ANDERSON: Moving on to our  
16 calendar we are going to recall case #16-CMP-  
17 00503, The Alibi. License #97969. Will the  
18 parties please approach and identify themselves  
19 for the record, please?

20 Thank you and I appreciate your indulgence on  
21 this Mr. Chairman and members of the board. Good  
22 morning, Mr. Chairman, and members of the board,

1 my name is Brendan Kalproth and I'm the attorney.

2 CHAIRPERSON ANDERSON: I'm sorry, I didn't  
3 hear your name.

4 MR. KLAPROTH: Brendan Klaproth. I'll spell  
5 it out for the record. K-L-A-P-R-O-T-H. I  
6 represent HRH Services in connection with the  
7 client.

8 CHAIRPERSON ANDERSON: Good morning, Mr.  
9 Klaproth.

10 MS. TRAVERSO: I'm Rachel Traverso and I'm  
11 the licensee.

12 CHAIRPERSON ANDERSON: Good morning, Ms.  
13 Traverso. Yes, Mr. Shapiro. Are there any  
14 preliminary matters in this case?

15 MR. SHAPIRO: I do not have any preliminary  
16 matters, Mr. Chairman.

17 CHAIRPERSON ANDERSON: All right. This  
18 matter is then scheduled for a show cause hearing  
19 on December 14 at 11:00 a.m.

20 MR. KLAPROTH: Mr. Chairman?

21 CHAIRPERSON ANDERSON: Yes.

22 MR. KLAPROTH: The licensee will be moving

1 the board to stay enforcement of the current  
2 charge as well as the conditions put on the  
3 license from May 18, 2016.

4 CHAIRPERSON ANDERSON: I'm not following you  
5 here.

6 MR. KLAPROTH: For context, Mr. Chairman,  
7 there's two pending actions, one in federal court  
8 as well as a court of appeals decision that  
9 speaks directly to these conditions and the  
10 constitutionality of the conditions that are  
11 being forced here as part of the show cause  
12 hearing, so we will be moving to stay enforcement  
13 of the current proceeding.

14 CHAIRPERSON ANDERSON: Well, I think you can  
15 file a motion, if the government will respond, if  
16 they want to continue the matter, fine; if they  
17 want to stay the matter then the board will  
18 consider that, but I will say back to you, sir,  
19 I've been here -- I think this is the second year  
20 that I've been on this case, I've been on this  
21 board, and I did hear the case, and the matter  
22 that you're asking the stay for, your client

1 voluntarily came to the board and presented the  
2 board with the stay away order. The board did  
3 not request from your client that this order be  
4 issued. We were in a voluntary hearing, they  
5 provided the board with the conditions to say  
6 that 'we will do this' and I'm not making a  
7 decision but I'm just saying to you that from the  
8 board's perspective, from what I remember of  
9 that case, that's how it happened. You can file  
10 the motion and the government will issue -- will  
11 respond -- and based on the submission of the  
12 parties we'll make a decision whether or not we  
13 will agree with your request.

14 MR. KLAPROTH: Okay. Thank you, Mr. Chairman

15 CHAIRPERSON ANDERSON: All right, thank you.

16

17 (Whereupon, the above-entitled matter was

18 concluded.)

19