

**THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**In the Matter of:**

BEG Investments, LLC  
t/a Twelve Restaurant & Lounge

Holder of a  
Retailer's Class CT License

at premises  
1123 H Street, NE  
Washington, D.C. 20002

Case No.: 14-CMP-00107  
14-251-00087  
14-251-00163

License No.: 076366  
Order No.: 2014-440

**BEFORE:** Ruthanne Miller, Chairperson  
Nick Alberti, Member  
Donald Brooks, Member  
Herman Jones, Member  
Hector Rodriguez, Member  
Mike Silverstein, Member

**ALSO PRESENT:** Bernard Gibson on behalf of BEG Investments, LLC, t/a Twelve Restaurant & Lounge

Matthew LeFande, Esq., on behalf of the Respondent

Amy Schmidt, Assistant Attorney General, on behalf of the District of Columbia

Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

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**ORDER APPROVING THE OFFER-IN-COMPROMISE**

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This case arises from several Notices of Status Hearing and Show Cause Hearing (Notices) issued by the Alcoholic Beverage Control Board (Board) in the matter of BEG

Investments, LLC t/a Twelve Restaurant and Lounge (Respondent) located at 1123 H Street, N.E., Washington, D.C. Specifically, the Notices charge the Respondent with the following violations:

**I. Case Number 14-CMP-00107**

The Alcoholic Beverage Regulation Administration (ABRA) served the notice in Case Number 14-CMP-00107 on the Respondent, located at premises 1123 H Street, N.E., Washington, D.C., on September 8, 2014. *ABRA Show Cause File No., 14-CMP-00107*, Service Form. The notice charges the Respondent with one violation, which if proven true, would justify the imposition of a fine, as well as the suspension or revocation of the Respondent's license.

Specifically, the notice charges the Respondent with the following violation:

Charge I: [On February 21, 2014,] [y]ou failed to obtain an entertainment endorsement to have a cover charge as required by 23 DCMR § 1002.1 in violation of D.C. Official Code § 25-823(1) . . .

*ABRA Show Cause File No., 14-CMP-00107*, Notice of Status Hearing and Show Cause Hearing, 2-3 (August 15, 2014).

**II. Case Number 14-251-00087**

The Alcoholic Beverage Regulation Administration (ABRA) served the notice in Case Number 14-251-00087 on the Respondent, located at premises 1123 H Street, N.E., Washington, D.C., on May 14, 2014. *ABRA Show Cause File No., 14-251-00087*, Service Form. The notice charges the Respondent with one violation, which if proven true, would justify the imposition of a fine, as well as the suspension or revocation of the Respondent's license.

Specifically, the notice charges the Respondent with the following violation:

Charge I: [On March 8, 2014,] [y]ou interfered with an investigation conducted by the Metropolitan Police Department and ABRA in violation of D.C. Official Code § 25-823 (5) . . .

*ABRA Show Cause File No., 14-251-00087*, Notice of Status Hearing and Show Cause Hearing, 2-3 (May 7, 2014).

**III. Case Number 14-251-00163**

The Alcoholic Beverage Regulation Administration (ABRA) served the notice in Case Number 14-251-00163 on the Respondent, located at premises 1123 H Street, N.E., Washington, D.C., on July 28, 2014. *ABRA Show Cause File No., 14-251-00163*, Service Form. The notice charges the Respondent with four violations, which if proven true,

would justify the imposition of a fine, as well as the suspension or revocation of the Respondent's license.

Specifically, the notice charges the Respondent with the following violations:

- Charge I: [On May 24, 2014,] [y]ou allowed the licensed establishment to be used for an unlawful or disorderly purpose, in violation of D.C. Official Code § 25-823(2) . . .
- Charge II: [On May 24, 2014,] [y]ou interfered with an investigation conducted by the Metropolitan Police Department and ABRA, in violation of D.C. Official Code § 25-823(5) . . .
- Charge III: [On May 24, 2014,] [y]ou permitted the use of a controlled substance in your establishment, i.e. marijuana , in violation of D.C. Official Code § 25-822 . . .
- Charge IV: [On May 24, 2014,] [y]ou failed to file your security plan, in violation of D.C. Official Code § 25-823(6) . . .

*ABRA Show Cause File No., 14-251-00163, Notice of Status Hearing and Show Cause Hearing, 2-3 (June 25, 2014).*

At the Show Cause Hearing held on November 5, 2014, the Respondent and the Government entered into an OIC, which resolved the allegations set forth in the above enumerated Notices.

The OIC has been reduced to writing and has been properly executed and filed with the Board. The Respondent is a signatory to the OIC. The Board formally accepts the OIC through this Order.

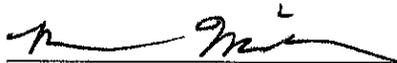
The terms of the OIC are appended to this Order.

### **ORDER**

Therefore, the Board, on this 5th day of November, 2014, hereby **APPROVES** the Offer-in-Compromise submitted on November 5, 2014, and **ORDERS** BEG Investments, LLC t/a Twelve Restaurant and Lounge to operate in accordance with the terms of the OIC.

A copy of this Order and the OIC shall be sent to the Respondent and to the Government.

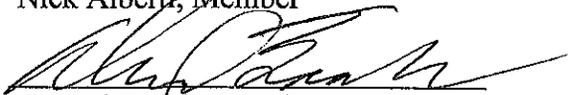
District of Columbia  
Alcoholic Beverage Control Board



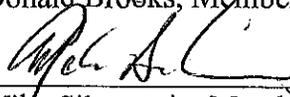
Ruthanne Miller, Chairperson



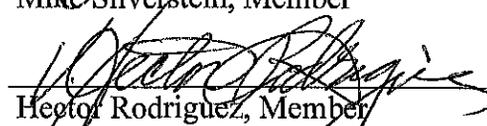
Nick Alberti, Member



Donald Brooks, Member

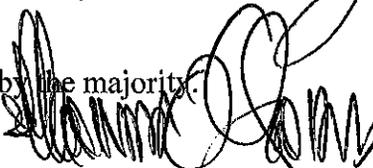


Mike Silverstein, Member



Hector Rodriguez, Member

I dissent as to the terms of this OIC approved by the majority.



Herman Jones, Member

Pursuant to 23 DCMR § 1719.1 (2008), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, NW, 400S, Washington, D.C. 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code § 2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 (2008) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b).

**OFFER IN COMPROMISE<sup>1</sup>**

In the Matter of: BEG Investments, LLC t/a Twelve

Officer/owner: Bernard Gibson, Owner

Case numbers: 14-251-00087, 14-251-00163 and 14-CMP-00107.      Hearing Date: November 5, 2014.

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This offer in compromise will be presented to the Alcoholic Beverage Control Board by the Assistant Attorney General at the show cause proceeding. Please be advised that this is a proposed compromise. Accordingly, it is the discretion of the Board to accept or reject this offer.

The offer in compromise consists of the following terms:

- (1) A \$4,000 fine for Case Number 14-251-00087
- (2) A \$2,000 fine for Case Number 14-CMP—00107
- (3) A \$8,000 fine for Case Number 14-CMP-14-251-00163. This OIC consists of a \$4,000 fine for Charge I and a \$4,000 fine for Charge II. Charge III and Charge IV are being dismissed.
- (4) The total fine amount shall be \$14,000.
- (5) The license shall remain suspended until the fine is paid.
- (6) The license shall remain suspended until a transfer of ownership application is approved by the Board.
- (7) A transfer of ownership application has been filed with ABRA. Mr. Gibson does not and shall not have an equity ownership interest in the transferee's business.
- (8) Mr. Gibson agrees not to apply for a new liquor license in the District for two years.
- (9) There are no other pending violations or investigations for events predating November 5, 2014, which would impede the transfer of the liquor license to a new owner.

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<sup>1</sup> Authorized under 23 DCMR 1604.5 (2008).