

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
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MEETING

IN THE MATTER OF:

Smith Commons, DC, LLC	
t/a Smith Commons	Show Cause
1245 H Street, NE	Hearing
Retailer CR - ANC-6A	(Status)
License No. 84598	
Case #14-AUD-00011	

(Failed to Post ABC Licenses)

February 18, 2015

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson  
NICK ALBERTI, Member  
DONALD BROOKS, Member  
MIKE SILVERSTEIN, Member  
HECTOR RODRIGUEZ, Member  
JAMES SHORT, Member

ALSO PRESENT:

CHRISSEY GEPHARDT, OAG

## P-R-O-C-E-E-D-I-N-G-S

10:23 a.m.

CHAIRPERSON MILLER: The next case is Case No. 14-AUD-00011, Smith Commons located at 1245 H Street, N.E., License No. 84598, in ANC-6A.

MS. GEPHARDT: Good morning, Chrissy Gephardt on behalf of the Office of the Attorney General.

MR. McNEILL: Oh, I'm sorry.

CHAIRPERSON MILLER: That's okay.

MR. McNEILL: Ron McNeill, General Manager, Smith Commons Dining Room and Public House.

MR. BUSH: May it please the Board, Nate Bush, legal counsel for the licensee, Smith Commons.

CHAIRPERSON MILLER: Your name is Mr. McNeill?

MR. McNEILL: Yes, ma'am.

CHAIRPERSON MILLER: Okay. So I have in my notes a Mr. Bailey. How are you related?

1 Is one of you -- are you the president and he is  
2 something else or what?

3 MR. BUSH: Mr. Bailey is the managing  
4 partner of the LLC.

5 CHAIRPERSON MILLER: Okay.

6 MR. BUSH: Mr. McNeill is the  
7 restaurant manager.

8 CHAIRPERSON MILLER: Restaurant  
9 manager?

10 MR. BUSH: That is correct.

11 CHAIRPERSON MILLER: Okay. Mr. Bush,  
12 are you authorized --

13 MR. BUSH: Yes, I am, Madam Chair.

14 CHAIRPERSON MILLER: -- to represent,  
15 okay, Smith Commons and Mr. Bailey?

16 MR. BUSH: I am here to represent them  
17 and I'm entering my appearance --

18 CHAIRPERSON MILLER: Okay. Thank you  
19 very much.

20 MR. BUSH: -- for these hearing  
21 purposes.

22 CHAIRPERSON MILLER: Okay. Good. Ms.

1 Gephardt, oh, no, let me ask you, Mr. Bailey.  
2 Did your client have notice, receive notice of  
3 this case?

4 MR. BUSH: Yes, we have received  
5 notice. We are not contesting the issue of  
6 notice. And we are formally contesting the  
7 charge that has been placed on us.

8 CHAIRPERSON MILLER: Okay. Your  
9 client read and understood the notice?

10 MR. BUSH: Yes, he did.

11 CHAIRPERSON MILLER: Okay. Fine. And  
12 you are contesting the charge. And there is no  
13 preliminary matters?

14 MS. GEPHARDT: No, that's correct.

15 CHAIRPERSON MILLER: Okay. All right.

16 Then --

17 MEMBER ALBERTI: What is the -- I'm  
18 confused.

19 CHAIRPERSON MILLER: Oh, wait a  
20 second, yes.

21 MEMBER ALBERTI: What's the charge  
22 here, Ms. Gephardt?

1 MS. GEPHARDT: The charge is --

2 CHAIRPERSON MILLER: We haven't gone  
3 through that.

4 MS. GEPHARDT: -- failing to post the  
5 ABC license. I'm not certain why it's an AUD  
6 case.

7 CHAIRPERSON MILLER: Okay.

8 MEMBER ALBERTI: Well, I read the  
9 report and I can speculate what happened. I  
10 mean, it started off as an audit case.

11 MS. GEPHARDT: Right, right.

12 MEMBER ALBERTI: Which probably  
13 doesn't --

14 CHAIRPERSON MILLER: Yes.

15 MEMBER ALBERTI: -- may not be  
16 substantiated, but there is a charge of not -- in  
17 that report there was also the charge of not  
18 posting the license.

19 MS. GEPHARDT: Right. That's correct.

20 MEMBER ALBERTI: Is there a warning  
21 relative for this?

22 CHAIRPERSON MILLER: Isn't this a

1 manager's warning?

2 MS. GEPHARDT: Yes, there is a warning  
3 warranted for this.

4 MEMBER ALBERTI: So --

5 MS. GEPHARDT: Yes, that's correct.  
6 However, they decided they want to contest that.

7 MEMBER ALBERTI: They want to contest  
8 that?

9 MS. GEPHARDT: Yes.

10 MEMBER ALBERTI: All right. So as  
11 long as I understand. I'm asking because it's  
12 very highly unusual.

13 MS. GEPHARDT: Yes.

14 MEMBER ALBERTI: But that's fine. If  
15 that's your choice, then I will remain quiet.

16 MS. GEPHARDT: Yes.

17 MR. MCNEILL: Because of the -- what  
18 is it called, whatever they sent us to be here  
19 today, there was -- it was empty, it wasn't  
20 posted on the evening of New Year's Eve, that's  
21 why we are contesting it.

22 CHAIRPERSON MILLER: Okay.

1 MR. McNEILL: Because it was.

2 CHAIRPERSON MILLER: Okay. All right.

3 MEMBER ALBERTI: Fine.

4 CHAIRPERSON MILLER: Okay. But you  
5 are aware that the penalty is a mandatory  
6 warning?

7 MR. BUSH: Yes, we are aware of that.

8 CHAIRPERSON MILLER: Okay.

9 MR. BUSH: I have informed my client  
10 that even with the Show Cause Hearing, the  
11 outcome will be -- the result will be that the  
12 appropriate penalty would be the warning. It is  
13 mandatory.

14 CHAIRPERSON MILLER: Okay.

15 MR. BUSH: They have established the  
16 position that they think that it is unwarranted  
17 and that they do not believe that the warning  
18 should happen, that's why we are here.

19 CHAIRPERSON MILLER: Okay. Now, you  
20 are scheduled for Show Cause Hearing on March 11,  
21 2015 at 11:00 a.m. Okay. Thank you very much.

22 MR. BUSH: Thank you.

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MR. McNEILL: Thank you.

CHAIRPERSON MILLER: Thank you.

(Whereupon, the Show Cause (Status)

Hearing in the above-entitled matter was  
concluded at 10:27 a.m.)

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