

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

IN THE MATTER OF:

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

Show Cause  
Hearing

(Failed to Post ABC Licenses)

March 11, 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:

AMY SCHMIDT, OAG

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

2 11:54 a.m.

3 CHAIRPERSON MILLER: Next, Case No.  
4 14-AUD-00011, Smith Commons located at 1245 H  
5 Street, N.E., License No. 84598.

6 MS. SCHMIDT: Good morning, Amy  
7 Schmidt, Assistant Attorney General on behalf of  
8 the District of Columbia, standing in for Walter  
9 Adams.

10 COURT REPORTER: Ma'am, could you turn  
11 your microphone on?

12 MS. SCHMIDT: Good morning. Amy  
13 Schmidt, Assistant Attorney General on behalf of  
14 the District of Columbia, standing in for Walter  
15 Adams.

16 MR. McNEILL: I'm sorry, Ron McNeill,  
17 General Manager for Smith Commons.

18 MR. BUSH: If it please the Board,  
19 Nate Bush, legal counsel to Smith Commons DC,  
20 LLC.

21 CHAIRPERSON MILLER: Oh, you're  
22 counsel?

1 MR. BUSH: That is correct.

2 CHAIRPERSON MILLER: Great. And the  
3 respondent's name is what?

4 MR. McNEILL: Ron McNeill.

5 CHAIRPERSON MILLER: McNeill. Okay.

6 Are you an owner or what?

7 MR. McNEILL: I'm the general manager.

8 CHAIRPERSON MILLER: You're the  
9 general manager?

10 MR. McNEILL: Yes, ma'am.

11 CHAIRPERSON MILLER: As general  
12 manager, do you have authority to represent the  
13 establishment?

14 MR. BUSH: May it please the --

15 MS. SCHMIDT: Yes. I think we need to  
16 make it clear.

17 CHAIRPERSON MILLER: Okay.

18 MS. SCHMIDT: The District is going to  
19 dismiss the charge today and that's so that a  
20 mandatory warning can be issued.

21 CHAIRPERSON MILLER: Okay.

22 MS. SCHMIDT: So there is nothing for

1 him to accept, because we are dismissing the  
2 charge.

3 MEMBER ALBERTI: I think the question  
4 still stands.

5 CHAIRPERSON MILLER: Okay. Just for  
6 the record, what does that mean that you are the  
7 general manager? Do you have any interest in the  
8 company or in the establishment?

9 MR. McNEILL: I run it.

10 CHAIRPERSON MILLER: You run it?

11 MR. McNEILL: Yes, ma'am.

12 CHAIRPERSON MILLER: Do you have a  
13 percentage of ownership in the establishment or  
14 you're just a salaried employee?

15 MR. BUSH: Salaried.

16 MR. McNEILL: Yes, ma'am.

17 CHAIRPERSON MILLER: Yes, what?

18 MR. BUSH: It's my understanding,  
19 Madam Chair, if I may, that as legal counsel with  
20 the authority to make representations and to make  
21 decisions with regards to Smith Commons, my  
22 presence here would address that.

1                   CHAIRPERSON MILLER: Okay. All right.  
2                   That's a good point. Okay. So you will be  
3                   making the representations?

4                   MR. BUSH: That is correct.

5                   CHAIRPERSON MILLER: Okay. All right.  
6                   Okay. And, Ms. Schmidt, you are saying you --

7                   MS. SCHMIDT: The District will be  
8                   dismissing this case.

9                   CHAIRPERSON MILLER: Okay.

10                  MS. SCHMIDT: So that a mandatory  
11                  warning may be issued.

12                  CHAIRPERSON MILLER: Mr. Bush, do you  
13                  have any response to that?

14                  MR. BUSH: No. We are in agreement.  
15                  We are in agreement with the decision to -- for  
16                  the dismissal and the appropriate secondary  
17                  penalty for the warning --

18                  CHAIRPERSON MILLER: Okay.

19                  MR. BUSH: -- is appropriate.

20                  CHAIRPERSON MILLER: I'm sorry, could  
21                  you say again?

22                  MR. BUSH: We are in agreement with

1 the recommendation of the District of Columbia  
2 for the dismissal and we understand that a  
3 warning will be issued.

4 CHAIRPERSON MILLER: Okay. All right.  
5 All right. So Ms. Schmidt, you have a Motion to  
6 Dismiss?

7 MS. SCHMIDT: Yes.

8 CHAIRPERSON MILLER: And the  
9 respondent does not object?

10 MR. BUSH: That is correct.

11 CHAIRPERSON MILLER: Okay. Then I  
12 would move that we grant the Motion to Dismiss.  
13 Do I have a second?

14 MEMBER SHORT: Second.

15 CHAIRPERSON MILLER: Mr. Short has  
16 seconded the motion.

17 All those in favor say aye.

18 ALL: Aye.

19 CHAIRPERSON MILLER: All those  
20 opposed? All those abstaining? The motion  
21 passes 6-0-0. Okay. Thank you.

22 MEMBER ALBERTI: So the issue is that

1 it does not need to be voted on or is that part  
2 of the recommendation? I'm not sure where we are  
3 on the issue of the warning.

4 CHAIRPERSON MILLER: I don't think  
5 it's necessarily before us. I mean, what we had  
6 was a Motion to Dismiss.

7 MEMBER ALBERTI: Yes and we have taken  
8 care of that, so --

9 CHAIRPERSON MILLER: Right.

10 MEMBER ALBERTI: -- where do we stand  
11 on the issue of the warning? Do we need to vote  
12 on that now or do we take care of that on the  
13 agenda? What do we do?

14 CHAIRPERSON MILLER: I don't think so,  
15 because I don't think it's before us right now.  
16 The applicant is saying I'm against --

17 MEMBER ALBERTI: So I'm asking at what  
18 point will we take care of that? Is my question.

19 CHAIRPERSON MILLER: When we see it.

20 MEMBER ALBERTI: When you see what?

21 CHAIRPERSON MILLER: If we see a  
22 warning. What are we going --

1 MS. SCHMIDT: The statute provides for  
2 a warning by the Board. You know, we are -- the  
3 District, OAG is out of it at this point. Now,  
4 it's an ABRA matter again.

5 MEMBER ALBERTI: Right. But the Board  
6 has not taken action on that to issue the  
7 warning.

8 MS. SCHMIDT: Well, the District has  
9 dismissed the case. We moved to dismiss the  
10 case. What happens with it at this point is  
11 statutorily provided.

12 MEMBER ALBERTI: So my questions are  
13 to Ms. Miller.

14 MS. SCHMIDT: Yes, we are out of it.

15 MEMBER ALBERTI: How will the Board --  
16 I'm not putting this to you, I'm putting it to  
17 Ms. Miller. How will the Board address the issue  
18 of the warning? Will we do it on the agenda? I  
19 mean, there are several options. We could vote  
20 on it now or we could put it on our agenda. How  
21 will we do that?

22 MEMBER SHORT: Madam Chair?

1 CHAIRPERSON MILLER: Yes?

2 MEMBER SHORT: Excuse me, Mr. Alberti.

3 Mr. Bush?

4 MR. BUSH: Yes.

5 MEMBER SHORT: Is your client willing  
6 to accept a warning?

7 MR. BUSH: We have agreed to that.

8 Yes, we have, Mr. Short.

9 MEMBER SHORT: So I think we should  
10 vote on just giving a warning on this case and we  
11 will be finished.

12 CHAIRPERSON MILLER: Okay. That would  
13 be done?

14 MEMBER ALBERTI: Yes.

15 CHAIRPERSON MILLER: We can do that.

16 MEMBER SHORT: Thank you, Mr. Bush.

17 MR. BUSH: Thank you.

18 CHAIRPERSON MILLER: Do you have other  
19 comments on that?

20 MEMBER ALBERTI: No.

21 CHAIRPERSON MILLER: Okay.

22 MEMBER SHORT: I make the motion that

1 we issue a warning on this case.

2 MEMBER ALBERTI: I'll second the  
3 motion.

4 CHAIRPERSON MILLER: Okay. Any  
5 others?

6 All those in favor say aye.

7 ALL: Aye.

8 CHAIRPERSON MILLER: All those  
9 opposed? All those abstaining? The motion  
10 passes 6-0-0.

11 Okay. We're good.

12 MR. BUSH: Thank you. I thank you  
13 very much.

14 CHAIRPERSON MILLER: Thank you very  
15 much.

16 MEMBER SHORT: Thank you.

17 MEMBER ALBERTI: Thank you.

18 (Whereupon, the Show Cause Hearing in  
19 the above-entitled matter was concluded at 11:59  
20 a.m.)

21

22

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