

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
: :
1819 14th Ventures, LLC :
t/a El Centro D.F. : Show Cause
1819 14th Street, NW : Hearing
Retailer CR - ANC-1B :
License No. 84847 :
Case #12-CMP-00044 :
: :
(Filed to Post License in :
a Conspicuous Place) :
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March 13, 2013

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
- HERMAN JONES, Member
- MIKE SILVERSTEIN, Member

ALSO PRESENT:

CHRISSEY GEPHARDT, OAG

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

(3:19 p.m.)

CHAIRPERSON MILLER: Next is Case
No. 12-CMP-00044, El Centro D.F. located at
1819 14th Street, N.W., License No. 84847 in
ANC-1B.

So good afternoon.

MR. KLINE: Good afternoon.

CHAIRPERSON MILLER: And when you
are ready, please, sign-in.

MS. GEPHARDT: Chrissy Gephardt on
behalf of the District.

MR. KLINE: Andrew Kline on behalf
of the licensee.

MR. IRICANIN: Ivan Iricanin on
behalf of El Centro.

CHAIRPERSON MILLER: Okay. Bear
with me one second. Okay. Could you repeat
your name again now that I found my sheet?

MR. IRICANIN: Ivan Iricanin.

CHAIRPERSON MILLER: Okay. And
you are the owner?

1 MR. IRICANIN: Yes, ma'am.

2 CHAIRPERSON MILLER: Okay. So you
3 all are here for a Show Cause Hearing.

4 Are there any preliminary matters?

5 MS. GEPHARDT: Yes, there are.

6 The parties have entered into an offer in
7 compromise that we would like to present to
8 the Board.

9 MR. KLINE: We will admit. We
10 will let the Board impose the penalty.

11 CHAIRPERSON MILLER: What is it?

12 MR. KLINE: We are going to admit
13 and let the Board impose the penalty.

14 CHAIRPERSON MILLER: Okay. Okay.
15 I'm sorry.

16 MEMBER ALBERTI: What are we
17 doing, Ms. Gephardt?

18 CHAIRPERSON MILLER: Wait. Can
19 there just be one presiding officer? Go
20 ahead. Could you repeat --

21 MEMBER ALBERTI: I'm just
22 confused.

1 CHAIRPERSON MILLER: I know. I
2 understand that. I'll ask them. How is it
3 that you all want to proceed?

4 MS. GEPHARDT: Okay. Okay. So
5 the licensee admits to the facts on the
6 underlying violation. The licensee argues or
7 says that he would like to argue penalty.

8 CHAIRPERSON MILLER: Okay. And I
9 just want to clarify, Mr. Kline, you are
10 admitting to -- your client is going to admit
11 to violating the provision.

12 Are you admitting to the facts in
13 the investigative report or just I want to
14 know what you are admitting to.

15 MR. KLINE: We will admit to the
16 facts as laid out in the charge.

17 CHAIRPERSON MILLER: The facts as
18 laid out in the charges?

19 MR. KLINE: Yes. Which is -- and
20 that the licensee failed to post the license
21 in a conspicuous location and failed to post
22 ABRA lettering.

1 CHAIRPERSON MILLER: Okay. So
2 then which brings us to just closing. There
3 is not going to be any -- is there -- did you
4 want to put on -- there is no evidence to put
5 on. Okay.

6 So, Ms. Gephardt, do you have --

7 MS. GEPHARDT: I mean, we would
8 like to argue our penalty.

9 CHAIRPERSON MILLER: Yes.

10 MS. GEPHARDT: It sounds like he
11 would like to argue his.

12 CHAIRPERSON MILLER: Okay.

13 MS. GEPHARDT: In this case, the
14 District would argue for a \$500 fine.

15 CHAIRPERSON MILLER: Okay.

16 MS. GEPHARDT: To be payable
17 within 30 days.

18 CHAIRPERSON MILLER: Does that
19 complete your argument?

20 MS. GEPHARDT: That's my argument.

21 CHAIRPERSON MILLER: Okay. Mr.
22 Kline?

1 MR. KLINE: Yes. Good afternoon,
2 Members of the Board. As the Board is aware,
3 four years ago the Council of the District of
4 Columbia passed a law requiring the Board to
5 prepare a schedule of civil penalties and a
6 system of mandatory warnings. That, by law,
7 was to have been completed and proposed to the
8 Council by March 25, 2009.

9 The Board, as the Board is aware,
10 has finally gotten around to drafting a
11 proposed schedule of violations. And this
12 violation, which was discussed in passing at
13 the Council is unquestionably one for which a
14 warning would be mandated.

15 It is our position that this is a
16 minor violation. It does not affect public
17 policy. It is one that screams out for a
18 warning. This is the first offense for this
19 licensee in this particular provision.

20 It is our position that if the
21 Board had complied with the law that it was
22 required to comply with, we wouldn't be here

1 today, because this licensee would have been
2 mandated a warning and we would have gone on
3 our merry way and this case would have never
4 been before you.

5 So we would submit that just
6 because the Board didn't comply with the law
7 is no reason why this licensee should not get
8 the warning that it would have been entitled
9 to had the Board acted in accordance with the
10 statute passed by the Council over four years
11 ago. Thank you.

12 CHAIRPERSON MILLER: Okay. Thank
13 you. I'm going to close the record then in
14 this case.

15 MR. KLINE: Yes.

16 CHAIRPERSON MILLER: I assume the
17 parties don't want to file proposed findings
18 of fact and conclusions of law on this?

19 MR. KLINE: Yes, we'll waive.

20 CHAIRPERSON MILLER: You'll waive
21 it.

22 MS. GEPHARDT: We'll waive.

1 CHAIRPERSON MILLER: Okay. All
2 right. Then we will issue an order within 90
3 days. And we will most likely consider this
4 in closed session, so I will read the
5 instructions again for our closed meetings.

6 As Chairperson of the Alcoholic
7 Beverage Control Board for the District of
8 Columbia and in accordance with Section 405 of
9 the Open Meetings Amendment Act of 2010, I
10 move that the ABC Board hold a closed meeting
11 for the purpose of seeking legal advice from
12 our counsel on Case No. 12-CMP-00044, El
13 Centro D.F., per Section 405(b)(4) of the Open
14 Meetings Amendment Act of 2010, and
15 deliberating upon this case for the reasons
16 cited in Section 405(b)(13) of the Open
17 Meetings Amendment Act of 2010.

18 Is there a second?

19 MEMBER BROOKS: Second.

20 CHAIRPERSON MILLER: Mr. Brooks has
21 seconded the motion. I'll now take a roll
22 call.

1 Mr. Brooks?

2 MEMBER BROOKS: I agree.

3 CHAIRPERSON MILLER: Mr. Alberti?

4 MEMBER ALBERTI: I agree.

5 CHAIRPERSON MILLER: Ms. Miller

6 agrees.

7 Mr. Silverstein?

8 MEMBER SILVERSTEIN: I agree.

9 CHAIRPERSON MILLER: Mr. Jones?

10 MEMBER JONES: I agree.

11 CHAIRPERSON MILLER: Okay. The
12 motion as passed by a 5-0-0 vote. I hereby
13 give notice that the ABC Board will hold a
14 closed meeting in the ABC Board conference
15 room either today or next week pursuant to the
16 Open Meetings Amendment Act of 2010.

17 Thank you very much.

18 MR. KLINE: All right. Thank you.

19 CHAIRPERSON MILLER: Okay.

20 MS. GEPHARDT: Thank you.

21 (Whereupon, the Show Cause Hearing
22 was concluded at 3:26 p.m.)

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