

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

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IN THE MATTER OF: :

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1010 V, LLC : Show Cause

t/a Josephine : Hearing

1010 Vermont Street, NW : (Status)

License No. 76906 :

Case No. 12-251-00212 :

ANC 2F :

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MARCH 27, 2013

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

PRESENT

RUTHANNE MILLER, Chairperson

NICK ALBERTI, Member

DONALD BROOKS, Member

HERMAN JONES, Member

MIKE SILVERSTEIN, Member

ALSO PRESENT

CHRISTINE GEPHARDT, OAG

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

9:47 a.m.

CHAIRPERSON MILLER: Next case on our calendar is Case No. 12-251-00212, Josephine located at 1010 Vermont Street, N.W., License No. 76906 in ANC 2F.

MR. SHIRAFKAN: Good morning, Madam Chair.

CHAIRPERSON MILLER: Good morning.

MR. SHIRAFKAN: Makan Shirafkan. Good morning, Members of the Board. My name is Makan Shirafkan with the Law Office of Shirafkan on behalf of Josephine. Along with me present to my left is one of the managing members, David Karim.

We have received the notice, read and understood it, and just to give a status, we do have an Offer in Compromise that's been reached by the Government.

CHAIRPERSON MILLER: Would you identify yourself?

MS. GEPHARDT: My name is Chrissy

1 Gephardt --

2 CHAIRPERSON MILLER: Okay.

3 MS. GEPHARDT: -- on behalf of the  
4 District.

5 CHAIRPERSON MILLER: Okay. Then  
6 I'm going to move that notice into the record  
7 and we will entertain preliminary issues that  
8 you have regarding your OIC.

9 MS. GEPHARDT: Preliminary issues  
10 are what counsel said.

11 CHAIRPERSON MILLER: Yes.

12 MS. GEPHARDT: That is that we  
13 have reached an Offer in Compromise to consist  
14 of a -- for charge 1 a \$2,500 fine and five  
15 days stayed for one year. And we will be  
16 dropping charge No. 2. And the \$2,500 will be  
17 payable today.

18 MEMBER ALBERTI: Would you repeat  
19 the Offer in Compromise, please?

20 MS. GEPHARDT: Sure. It's a  
21 \$2,500 fine for charge 1, five days stayed for  
22 one year, drop charge 2, and the \$2,500 fine

1 to be payable today.

2 CHAIRPERSON MILLER: Okay. And I  
3 want confirm with the Licensee that you're  
4 agreeable to this Offer in Compromise of  
5 \$2,500 penalty, five days stayed for a year  
6 and dropping charge 2.

7 MR. SHIRAFKAN: Yes, I am, Chair.

8 CHAIRPERSON MILLER: Okay. You  
9 understand that you waive your right to a  
10 hearing by accepting an Offer in Compromise?

11 MR. SHIRAFKAN: Yes, ma'am.

12 CHAIRPERSON MILLER: Okay. Are  
13 there any questions on this?

14 (No audible response.)

15 CHAIRPERSON MILLER: Okay. Then I  
16 would move that we accept this Offer in  
17 Compromise of a penalty of \$2,500 for charge  
18 1 with a five-day suspension stayed for one  
19 year pending no further violations. And  
20 charge 2 would be dropped. And the \$2,500  
21 would be paid today. Okay. Do I have a  
22 second?

1 MEMBER SILVERSTEIN: Second.

2 CHAIRPERSON MILLER: Okay. The  
3 motion has been seconded. Any comments or  
4 questions?

5 MEMBER ALBERTI: Yes, Ms. Miller.

6 CHAIRPERSON MILLER: Okay.

7 MEMBER ALBERTI: I will not  
8 support this Offer in Compromise. The  
9 statutory penalty is either \$2,000 and five  
10 days suspension with one day served or \$3,000  
11 with a five-day suspension and all days  
12 stayed. And also this Licensee was presented  
13 with an offer from staff with those  
14 guidelines, according to those guidelines.  
15 And so on that basis I will not support --

16 CHAIRPERSON MILLER: I don't think  
17 we're supposed to bring that up.

18 MEMBER ALBERTI: -- I will not --  
19 may I finish, please?

20 CHAIRPERSON MILLER: I'm not sure  
21 that's --

22 MEMBER ALBERTI: I will not --

1 I --

2 CHAIRPERSON MILLER: -- we're  
3 supposed to bring up previous --

4 MEMBER ALBERTI: Let me finish,  
5 please? I will not be supporting this.

6 CHAIRPERSON MILLER: Others? Mr.  
7 Silverstein?

8 MEMBER SILVERSTEIN: I will be  
9 supporting this. I don't believe we should be  
10 discussing what were in the negotiations. I  
11 feel a little uncomfortable with that. This  
12 may not be the strongest of all OICs, but I do  
13 believe that it accomplishes the goal of  
14 moving us forward with a penalty that is  
15 within the guidelines of an OIC, which need  
16 not necessarily be the maximum.

17 CHAIRPERSON MILLER: Others?

18 (No audible response.)

19 CHAIRPERSON MILLER: Yes, I mean I  
20 see this as far as -- if I'm reading the  
21 statute correct, that the range is \$2,000 to  
22 \$3,000. And this is \$2,500, so it's within

1 that range. And it says suspension up to five  
2 consecutive days stayed for a year, and  
3 they're doing that. So I don't see any issue  
4 with this. And I don't see an issue with  
5 dropping one of these as they basically cover  
6 the same offense. Well, whatever. I don't  
7 see -- I'll take that back, but I don't see  
8 the problem that Mr. Alberti was addressing.

9 Others?

10 (No audible response.)

11 CHAIRPERSON MILLER: And I also do  
12 agree that we shouldn't be talking about any  
13 knowledge of any previous negotiations, but I  
14 didn't even have that knowledge.

15 So, okay. Any other comments?

16 (No audible response.)

17 CHAIRPERSON MILLER: All right.

18 There's a motion that's been seconded to  
19 approve this Offer in Compromise. Penalty for  
20 the first charge, \$2,500 payable today, a five  
21 -day suspension -- five days served with --  
22 suspended for one year pending no further

1 violations.

2 Okay. All those in favor, say  
3 aye? Aye.

4 MEMBER SILVERSTEIN: Aye.

5 CHAIRPERSON MILLER: All those  
6 opposed?

7 MEMBER BROOKS: No.

8 MEMBER ALBERTI: Opposed.

9 CHAIRPERSON MILLER: Okay. Then  
10 the motion fails by a vote of 2-to-2.

11 So this one we will then set for  
12 hearing April 17th, 2013 at 3:30 p.m.

13 MR. SHIRAFKAN: At what time?

14 CHAIRPERSON MILLER: 3:30. Thank  
15 you. All right. Now I'd like to welcome Mr.  
16 Jones to the dais.

17 MEMBER JONES: Thank you, Madam.

18 CHAIRPERSON MILLER: Good morning.

19 (Whereupon, the hearing was  
20 concluded at 9:54 a.m.)

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<p style="text-align: center;"><b>A</b></p> <p>accept 4:16  accepting 4:10  accomplishes 6:13  addressing 7:8  agree 7:12  agreeable 4:4  Alberti 1:17 3:18  5:5,7,18,22 6:4  7:8 8:8  Alcoholic 1:2,12,13  ANC 1:9 2:6  approve 7:19  April 8:12  audible 4:14 6:18  7:10,16  aye 8:3,3,4  a.m 2:2 8:20</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p>back 7:7  basically 7:5  basis 5:15  behalf 2:13 3:3  believe 6:9,13  Beverage 1:2,12,13  Board 1:2,13 2:11  bring 5:17 6:3  BROOKS 1:17 8:7  Building 1:13</p> <hr/> <p style="text-align: center;"><b>C</b></p> <p>calendar 2:4  case 1:9 2:3,4  Cause 1:6  Chair 2:8 4:7  Chairperson 1:14  1:16 2:3,9,20 3:2  3:5,11 4:2,8,12,15  5:2,6,16,20 6:2,6  6:17,19 7:11,17  8:5,9,14,18  charge 3:14,16,21  3:22 4:6,17,20  7:20  Chrissy 2:22  CHRISTINE 1:22</p>	<p>COLUMBIA 1:1  comments 5:3 7:15  Compromise 2:18  3:13,19 4:4,10,17  5:8 7:19  concluded 8:20  confirm 4:3  consecutive 7:2  consist 3:13  Control 1:2,12,13  correct 6:21  counsel 3:10  cover 7:5</p> <hr/> <p style="text-align: center;"><b>D</b></p> <p>dais 8:16  David 2:15  day 5:10 7:21  days 3:15,21 4:5  5:10,11 7:2,21  discussing 6:10  District 1:1 3:4  doing 7:3  DONALD 1:17  drop 3:22  dropped 4:20  dropping 3:16 4:6  7:5  D.C 1:14</p> <hr/> <p style="text-align: center;"><b>E</b></p> <p>either 5:9  entertain 3:7</p> <hr/> <p style="text-align: center;"><b>F</b></p> <p>fails 8:10  far 6:20  favor 8:2  feel 6:11  fine 3:14,21,22  finish 5:19 6:4  first 7:20  five 3:14,21 4:5 5:9  7:1,20,21  five-day 4:18 5:11  forward 6:14  further 4:19 7:22</p>	<p style="text-align: center;"><b>G</b></p> <p>Gephardt 1:22  2:22 3:1,3,9,12,20  give 2:17  goal 6:13  going 3:6  Good 2:7,9,11 8:18  Government 2:19  guidelines 5:14,14  6:15</p> <hr/> <p style="text-align: center;"><b>H</b></p> <p>hearing 1:7,13 4:10  8:12,19  HERMAN 1:18</p> <hr/> <p style="text-align: center;"><b>I</b></p> <p>identify 2:21  issue 7:3,4  issues 3:7,9</p> <hr/> <p style="text-align: center;"><b>J</b></p> <p>Jones 1:18 8:16,17  Josephine 1:7 2:5  2:13</p> <hr/> <p style="text-align: center;"><b>K</b></p> <p>Karim 2:15  knowledge 7:13,14</p> <hr/> <p style="text-align: center;"><b>L</b></p> <p>Law 2:12  left 2:14  License 1:8 2:6  Licensee 4:3 5:12  little 6:11  LLC 1:6  located 2:5</p> <hr/> <p style="text-align: center;"><b>M</b></p> <p>Madam 2:8 8:17  Makan 2:10,12  managing 2:14  MARCH 1:11  MATTER 1:5  maximum 6:16  ma'am 4:11  mean 6:19</p>	<p>MEETING 1:3  Member 1:17,17  1:18,18 3:18 5:1,5  5:7,18,22 6:4,8  8:4,7,8,17  members 2:11,15  met 1:13  MIKE 1:18  Miller 1:14,16 2:3  2:9,20 3:2,5,11  4:2,8,12,15 5:2,5  5:6,16,20 6:2,6,17  6:19 7:11,17 8:5,9  8:14,18  morning 2:7,9,11  8:18  motion 5:3 7:18  8:10  move 3:6 4:16  moving 6:14</p> <hr/> <p style="text-align: center;"><b>N</b></p> <p>name 2:11,22  necessarily 6:16  need 6:15  negotiations 6:10  7:13  NICK 1:17  notice 2:16 3:6  NW 1:8  N.W 1:14 2:6</p> <hr/> <p style="text-align: center;"><b>O</b></p> <p>OAG 1:22  offense 7:6  offer 2:18 3:13,19  4:4,10,16 5:8,13  7:19  Office 2:12  OIC 3:8 6:15  OICs 6:12  okay 3:2,5 4:2,8,12  4:15,21 5:2,6 7:15  8:2,9  opposed 8:6,8</p> <hr/> <p style="text-align: center;"><b>P</b></p> <p>paid 4:21</p>	<p>payable 3:17 4:1  7:20  penalty 4:5,17 5:9  6:14 7:19  pending 4:19 7:22  please 3:19 5:19  6:5  preliminary 3:7,9  present 1:15,20  2:14  presented 5:12  presiding 1:14  previous 6:3 7:13  problem 7:8  P-R-O-C-E-E-D-...  2:1  p.m 8:12</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <p>questions 4:13 5:4</p> <hr/> <p style="text-align: center;"><b>R</b></p> <p>range 6:21 7:1  reached 2:19 3:13  read 2:16  reading 6:20  received 2:16  record 3:6  Reeves 1:13  regarding 3:8  repeat 3:18  response 4:14 6:18  7:10,16  right 4:9 7:17 8:15  Room 1:13  Ruthanne 1:14,16</p> <hr/> <p style="text-align: center;"><b>S</b></p> <p>says 7:1  second 4:22 5:1  seconded 5:3 7:18  see 6:20 7:3,4,7,7  served 5:10 7:21  set 8:11  Shirafkan 2:7,10  2:10,12,13 4:7,11  8:13  Show 1:6</p>
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<b>Silverstein</b> 1:18 5:1 6:7,8 8:4 <b>staff</b> 5:13 <b>status</b> 1:8 2:17 <b>statute</b> 6:21 <b>statutory</b> 5:9 <b>stayed</b> 3:15,21 4:5 4:18 5:12 7:2 <b>Street</b> 1:8,14 2:5 <b>strongest</b> 6:12 <b>support</b> 5:8,15 <b>supporting</b> 6:5,9 <b>supposed</b> 5:17 6:3 <b>sure</b> 3:20 5:20 <b>suspended</b> 7:22 <b>suspension</b> 4:18 5:10,11 7:1,21	<hr/> <b>Y</b> <hr/> <b>year</b> 3:15,22 4:5,19 7:2,22 <hr/> <b>P</b> <hr/> <b>p</b> 1:5,10 <hr/> <b>\$</b> <hr/> <b>\$2,000</b> 5:9 6:21 <b>\$2,500</b> 3:14,16,21 3:22 4:5,17,20 6:22 7:20 <b>\$3,000</b> 5:10 6:22 <hr/> <b>1</b> <hr/> <b>1</b> 3:14,21 4:18 <b>1010</b> 1:6,8 2:5 <b>12-251-00212</b> 1:9 2:4 <b>14th</b> 1:13 <b>17th</b> 8:12 <hr/> <b>2</b> <hr/> <b>2</b> 3:16,22 4:6,20 <b>2F</b> 1:9 2:6 <b>2-to-2</b> 8:10 <b>2000</b> 1:13 <b>2013</b> 1:11 8:12 <b>27</b> 1:11 <hr/> <b>3</b> <hr/> <b>3:30</b> 8:12,14 <hr/> <b>7</b> <hr/> <b>76906</b> 1:8 2:6 <hr/> <b>9</b> <hr/> <b>9:47</b> 2:2 <b>9:54</b> 8:20			
<hr/> <b>T</b> <hr/> <b>take</b> 7:7 <b>talking</b> 7:12 <b>Thank</b> 8:14,17 <b>Thee's</b> 7:18 <b>think</b> 5:16 <b>time</b> 8:13 <b>today</b> 3:17 4:1,21 7:20 <b>t/a</b> 1:7				
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