

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
 :
The Army & Navy Club :
t/a The Army & Navy Club : Show Cause
901 17th Street, NW : Hearing
Retailer CX : (Status)
License No. 114 :
Case No. 12-CMP-00460 :
ANC 2B :
Interfered with an ABRA :
Investigation :
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APRIL 24, 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

ALSO PRESENT
FERNANDO RIVERO, OAG

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

9:50 a.m.

CHAIRPERSON MILLER: The next item on the Board's calendar is Case No. 12-CMP-00460, Army & Navy Club located at 901 17th Street, N.W., License No. 114 in ANC 2B.

MR. RIVERO: Good morning, Board Members. Fernando Rivero for the District of Columbia standing in for Louise Phillips.

CHAIRPERSON MILLER: Good morning.

MR. O'BRIEN: Stephen O'Brien for the Army Navy Club. I'm accompanied by Bruno Neurater, who's immediately next to me who's the general manager of the club, and at the far end of the table is Patrick Grady, who's the food and beverage director at the Army Navy Club.

CHAIRPERSON MILLER: Okay. And everyone is signing in so the court reporter can get your names?

MR. O'BRIEN: We've actually given business cards to the reporter.

1 CHAIRPERSON MILLER: Good. All
2 right. Okay. And, Mr. O'Brien, did your
3 clients get notice of this hearing?

4 MR. O'BRIEN: Yes, and we
5 understand and it --

6 CHAIRPERSON MILLER: They read and
7 understood it?

8 MR. O'BRIEN: -- can be admitted
9 to the record.

10 CHAIRPERSON MILLER: Okay. Good.
11 Are there any preliminary matter in this case?

12 MR. RIVERO: Yes, the parties have
13 an Offer in Compromise to present to the Board
14 at this time, and that offers consists of a
15 fine of \$1,500 payable by noon today.

16 MR. O'BRIEN: That was intended to
17 be a joke, but it will be paid.

18 (Laughter.)

19 MR. RIVERO: Well, I mean it's
20 today, but --

21 MR. O'BRIEN: Today.

22 CHAIRPERSON MILLER: Today?

1 MR. RIVERO: -- I just want to be
2 sure that --

3 MEMBER ALBERTI: Good.

4 (Laughter.)

5 CHAIRPERSON MILLER: Okay. We'll
6 give you a little leeway.

7 MEMBER ALBERTI: We got it.

8 (Laughter.)

9 CHAIRPERSON MILLER: Okay. So the
10 Offer in Compromise is \$1,500 to be paid
11 today, correct?

12 MR. O'BRIEN: To be paid
13 immediately upon conclusion of this hearing.

14 CHAIRPERSON MILLER: Okay. And
15 your clients understand they waive their right
16 to a hearing if they --

17 MR. O'BRIEN: Yes, we waive right
18 to a hearing. And if I may, I think it's fair
19 to say that the Army Navy Club, which consists
20 primarily of retired military officers, is not
21 typically on the Board's radar screen. I
22 think what happened here, after I've

1 investigated, is a fundamental
2 misunderstanding among the parties. But given
3 the cost of going to a hearing compared to the
4 ability to dispose of it today, that's what
5 motivates the officers.

6 CHAIRPERSON MILLER: Okay.
7 Anything else?

8 (No audible response.)

9 CHAIRPERSON MILLER: Any
10 questions?

11 (No audible response.)

12 CHAIRPERSON MILLER: Okay. Then I
13 would move that we accept this Offer in
14 Compromise of \$1,500 to be paid today. Do I
15 have a second?

16 MEMBER BROOKS: I'll second.

17 CHAIRPERSON MILLER: Mr. Brooks
18 has seconded the motion. All those in favor,
19 say aye?

20 (Chorus of ayes.)

21 CHAIRPERSON MILLER: All those
22 opposed?

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(No audible response.)

CHAIRPERSON MILLER: All those
abstaining?

(No audible response.)

CHAIRPERSON MILLER: Then the
motion passes to approve the Offer in
Compromise of \$1,500 to be paid today.

MR. O'BRIEN: Fifteen hundred
dollars.

CHAIRPERSON MILLER: Fifteen
hundred?

MR. O'BRIEN: Yes.

CHAIRPERSON MILLER: Yes.

MR. O'BRIEN: Thank you.

(Whereupon, the hearing was
concluded at 9:56 a.m.)

<p style="text-align: center;">A</p> <p>ability 5:4 ABRA 1:10 abstaining 6:3 accept 5:13 accompanied 2:12 admitted 3:8 ALBERTI 1:18 4:3 4:7 Alcoholic 1:2,14,14 ANC 1:10 2:6 approve 6:6 APRIL 1:13 Army 1:6,7 2:5,12 2:16 4:19 audible 5:8,11 6:1 6:4 aye 5:19 eyes 5:20 a.m 2:2 6:16</p> <hr/> <p style="text-align: center;">B</p> <p>beverage 1:2,14,14 2:16 Board 1:2,14 2:7 3:13 Board's 2:4 4:21 Brooks 1:19 5:16 5:17 Bruno 2:12 Building 1:15 business 2:22</p> <hr/> <p style="text-align: center;">C</p> <p>calendar 2:4 cards 2:22 case 1:9 2:4 3:11 Cause 1:7 Chairperson 1:16 1:18 2:3,10,18 3:1 3:6,10,22 4:5,9,14 5:6,9,12,17,21 6:2 6:5,10,13 Chorus 5:20 clients 3:3 4:15 club 1:6,7 2:5,12,14 2:17 4:19</p>	<p>Columbia 1:1 2:9 compared 5:3 Compromise 3:13 4:10 5:14 6:7 concluded 6:16 conclusion 4:13 consists 3:14 4:19 Control 1:2,14,14 correct 4:11 cost 5:3 court 2:19 CX 1:8</p> <hr/> <p style="text-align: center;">D</p> <p>director 2:16 dispose 5:4 District 1:1 2:8 dollars 6:9 DONALD 1:19 D.C 1:15</p> <hr/> <p style="text-align: center;">F</p> <p>fair 4:18 far 2:15 favor 5:18 Fernando 1:22 2:8 Fifteen 6:8,10 fine 3:15 food 2:16 fundamental 5:1</p> <hr/> <p style="text-align: center;">G</p> <p>general 2:14 give 4:6 given 2:21 5:2 going 5:3 Good 2:7,10 3:1,10 4:3 Grady 2:15</p> <hr/> <p style="text-align: center;">H</p> <p>happened 4:22 hearing 1:8,15 3:3 4:13,16,18 5:3 6:15 hundred 6:8,11</p> <hr/> <p style="text-align: center;">I</p>	<p>immediately 2:13 4:13 intended 3:16 Interfered 1:10 investigated 5:1 Investigation 1:11 item 2:3</p> <hr/> <p style="text-align: center;">J</p> <p>joke 3:17</p> <hr/> <p style="text-align: center;">L</p> <p>Laughter 3:18 4:4 4:8 leeway 4:6 License 1:9 2:6 little 4:6 located 2:5 Louise 2:9</p> <hr/> <p style="text-align: center;">M</p> <p>manager 2:14 matter 1:5 3:11 mean 3:19 MEETING 1:3 Member 1:18,19 4:3,7 5:16 Members 2:8 met 1:14 military 4:20 Miller 1:16,18 2:3 2:10,18 3:1,6,10 3:22 4:5,9,14 5:6 5:9,12,17,21 6:2,5 6:10,13 misunderstanding 5:2 morning 2:7,10 motion 5:18 6:6 motivates 5:5 move 5:13</p> <hr/> <p style="text-align: center;">N</p> <p>names 2:20 Navy 1:6,7 2:5,12 2:17 4:19 Neurater 2:13 NICK 1:18</p>	<p>noon 3:15 notice 3:3 NW 1:8 N.W 1:15 2:6</p> <hr/> <p style="text-align: center;">O</p> <p>OAG 1:22 Offer 3:13 4:10 5:13 6:6 offers 3:14 officers 4:20 5:5 Okay 2:18 3:2,10 4:5,9,14 5:6,12 opposed 5:22 O'Brien 2:11,11,21 3:2,4,8,16,21 4:12 4:17 6:8,12,14</p> <hr/> <p style="text-align: center;">P</p> <p>paid 3:17 4:10,12 5:14 6:7 parties 3:12 5:2 passes 6:6 Patrick 2:15 payable 3:15 Phillips 2:9 preliminary 3:11 present 1:17,21 3:13 presiding 1:16 primarily 4:20 P-R-O-C-E-E-D-... 2:1</p> <hr/> <p style="text-align: center;">Q</p> <p>questions 5:10</p> <hr/> <p style="text-align: center;">R</p> <p>radar 4:21 read 3:6 record 3:9 Reeves 1:15 reporter 2:19,22 response 5:8,11 6:1 6:4 Retailer 1:8 retired 4:20 right 3:2 4:15,17</p>	<p>Rivero 1:22 2:7,8 3:12,19 4:1 Room 1:15 Ruthanne 1:15,18</p> <hr/> <p style="text-align: center;">S</p> <p>screen 4:21 second 5:15,16 seconded 5:18 Show 1:7 signing 2:19 standing 2:9 Status 1:8 Stephen 2:11 Street 1:8,15 2:6 sure 4:2</p> <hr/> <p style="text-align: center;">T</p> <p>table 2:15 Thank 6:14 think 4:18,22 time 3:14 today 3:15,20,21 3:22 4:11 5:4,14 6:7 typically 4:21 t/a 1:7</p> <hr/> <p style="text-align: center;">U</p> <p>understand 3:5 4:15 understood 3:7</p> <hr/> <p style="text-align: center;">W</p> <p>waive 4:15,17 want 4:1 Washington 1:15 We'll 4:5 We've 2:21</p> <hr/> <p style="text-align: center;">P</p> <p>p 1:5,12</p> <hr/> <p style="text-align: center;">\$</p> <p>\$1,500 3:15 4:10 5:14 6:7</p> <hr/> <p style="text-align: center;">0</p>
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