

DISTRICT OF COLUMBIA  
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ALCOHOLIC BEVERAGE CONTROL BOARD  
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MEETING

IN THE MATTER OF:

DC Four Lessee, LLC	
t/a Hotel Helix	Show Cause
1430 Rhode Island Ave., NW	Hearing
Retailer CH - ANC-2F	(Status)
License No. 79243	
Case #14-AUD-00002	
(Failed to Maintain Books and Records, Failed to Qualify as a Restaurant)	

May 7, 2014

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:

LOUISE PHILLIPS, OAG

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

(9:54 a.m.)

CHAIRPERSON MILLER: The next case on the calendar is Case No. 14-AUD-00002, Hotel Helix located at 1430 Rhode Island Avenue, N.W., in ANC-2F.

Is someone here from Hotel Helix?

MS. PHILLIPS: Yes, Louise Phillips, Assistant Attorney General for the District of Columbia.

CHAIRPERSON MILLER: Good morning again.

MR. FONSECA: Good morning, Members of the Board. Michael Fonseca on behalf of the licensee. With me is the area Director of Operations, Ben Timashenka. A letter of authorization from the owner has been submitted already to staff.

CHAIRPERSON MILLER: Great. Okay.

MR. FONSECA: Which should be in the Board's file.

CHAIRPERSON MILLER: Okay. And I

1 have just had a chance to see it. All right.  
2 Good. Mr. Fonseca, has your client received  
3 notice of this hearing?

4 MR. FONSECA: Yes, they have and  
5 we will waive reading. They read it,  
6 understand it and we discussed it, so counsel  
7 has given them advice.

8 CHAIRPERSON MILLER: And what?

9 MR. FONSECA: Counsel has given  
10 them advice.

11 CHAIRPERSON MILLER: Counsel has  
12 given them what?

13 MR. FONSECA: Advice.

14 CHAIRPERSON MILLER: Advice, okay.  
15 So all right. So that notice will become part  
16 of this record.

17 (Whereupon, the document was  
18 marked for identification as  
19 Exhibit 1 and was received in  
20 evidence.)

21 CHAIRPERSON MILLER: Are there any  
22 preliminary matters in this case?

1 MS. PHILLIPS: Yes, Madam Chair.  
2 This is a two count case. The District will  
3 dismiss Count 2 and pursuant to the new  
4 statutory scheme, Charge 1 should just be a  
5 warning.

6 CHAIRPERSON MILLER: Okay. Is the  
7 licensee agreeable to this offer in compromise  
8 of dismissing Charge 2 and having a warning  
9 for Charge 1?

10 MR. FONSECA: Yes. And just so  
11 the Board understands the circumstances,  
12 amended quarterly reports were filed which  
13 effectively rendered the need to dismiss  
14 Charge 2. And then the warning follows itself  
15 on the books and records charge.

16 CHAIRPERSON MILLER: And the  
17 warning what?

18 MR. FONSECA: As a first offense.

19 CHAIRPERSON MILLER: As a first  
20 offense.

21 MR. FONSECA: So Charge 1 then  
22 naturally flows to a warning with the new

1 change in the law.

2 CHAIRPERSON MILLER: Okay. Any  
3 questions by Board Members? Okay.

4 Then I would move that we accept  
5 this offer in compromise of dismissal of  
6 Charge 2 and a warning for Charge 1. Do I  
7 have a second?

8 MEMBER SILVERSTEIN: Second.

9 CHAIRPERSON MILLER: Mr.  
10 Silverstein has seconded the motion.

11 All those in favor say aye.

12 ALL: Aye.

13 CHAIRPERSON MILLER: All those  
14 opposed? All those abstaining? The motion  
15 passes 6-0-0 to accept the offer in  
16 compromise.

17 All right. Thank you.

18 MR. FONSECA: Thank you very much.

19 CHAIRPERSON MILLER: Okay.

20 (Whereupon, the Show Cause  
21 (Status) Hearing in the above-entitled matter  
22 was concluded at 9:56 a.m.)

<p style="text-align: center;"><b>A</b></p> <p>a.m 2:2 5:22  <b>above-entitled</b> 5:21  <b>abstaining</b> 5:14  <b>accept</b> 5:4,15  <b>advice</b> 3:7,10,13,14  <b>agreeable</b> 4:7  <b>ALBERTI</b> 1:18  <b>Alcoholic</b> 1:3,13,13  <b>amended</b> 4:12  <b>ANC-2F</b> 1:8 2:6  <b>area</b> 2:15  <b>Assistant</b> 2:9  <b>Attorney</b> 2:9  <b>authorization</b> 2:17  <b>Ave</b> 1:7  <b>Avenue</b> 2:6  <b>aye</b> 5:11,12</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p><b>behalf</b> 2:15  <b>Ben</b> 2:16  <b>Beverage</b> 1:3,13,13  <b>Board</b> 1:3,13 2:14  4:11 5:3  <b>Board's</b> 2:21  <b>books</b> 1:9 4:15  <b>BROOKS</b> 1:18  <b>Building</b> 1:14</p> <hr/> <p style="text-align: center;"><b>C</b></p> <p><b>calendar</b> 2:4  <b>case</b> 1:9 2:3,4 3:22  4:2  <b>Cause</b> 1:7 5:20  <b>CH</b> 1:8  <b>Chair</b> 4:1  <b>Chairperson</b> 1:15  1:17 2:3,11,19,22  3:8,11,14,21 4:6  4:16,19 5:2,9,13  5:19  <b>chance</b> 3:1  <b>change</b> 5:1  <b>charge</b> 4:4,8,9,14  4:15,21 5:6,6</p>	<p>circumstances 4:11  <b>client</b> 3:2  <b>Columbia</b> 1:2 2:10  <b>compromise</b> 4:7  5:5,16  <b>concluded</b> 5:22  <b>Control</b> 1:3,13,13  <b>counsel</b> 3:6,9,11  <b>count</b> 4:2,3</p> <hr/> <p style="text-align: center;"><b>D</b></p> <p><b>D.C</b> 1:14  <b>DC</b> 1:6  <b>Director</b> 2:16  <b>discussed</b> 3:6  <b>dismiss</b> 4:3,13  <b>dismissal</b> 5:5  <b>dismissing</b> 4:8  <b>District</b> 1:2 2:10  4:2  <b>document</b> 3:17  <b>DONALD</b> 1:18</p> <hr/> <p style="text-align: center;"><b>E</b></p> <p><b>effectively</b> 4:13  <b>evidence</b> 3:20  <b>Exhibit</b> 3:19</p> <hr/> <p style="text-align: center;"><b>F</b></p> <p><b>Failed</b> 1:9,10  <b>favor</b> 5:11  <b>file</b> 2:21  <b>filed</b> 4:12  <b>first</b> 4:18,19  <b>flows</b> 4:22  <b>follows</b> 4:14  <b>Fonseca</b> 2:13,14,20  3:2,4,9,13 4:10,18  4:21 5:18  <b>Four</b> 1:6</p> <hr/> <p style="text-align: center;"><b>G</b></p> <p><b>General</b> 2:9  <b>given</b> 3:7,9,12  <b>Good</b> 2:11,13 3:2  <b>Great</b> 2:19</p>	<p style="text-align: center;"><b>H</b></p> <p><b>hearing</b> 1:7,14 3:3  5:21  <b>HECTOR</b> 1:19  <b>Helix</b> 1:7 2:5,7  <b>Hotel</b> 1:7 2:5,7</p> <hr/> <p style="text-align: center;"><b>I</b></p> <p><b>identification</b> 3:18  <b>Island</b> 1:7 2:5</p> <hr/> <p style="text-align: center;"><b>J</b></p> <p><b>JAMES</b> 1:20</p> <hr/> <p style="text-align: center;"><b>K</b></p> <hr/> <p style="text-align: center;"><b>L</b></p> <p><b>law</b> 5:1  <b>Lessee</b> 1:6  <b>letter</b> 2:17  <b>License</b> 1:8  <b>licensee</b> 2:15 4:7  <b>LLC</b> 1:6  <b>located</b> 2:5  <b>Louise</b> 1:22 2:8</p> <hr/> <p style="text-align: center;"><b>M</b></p> <p><b>Madam</b> 4:1  <b>Maintain</b> 1:9  <b>marked</b> 3:18  <b>matter</b> 1:5 5:21  <b>matters</b> 3:22  <b>MEETING</b> 1:4  <b>Member</b> 1:18,18,19  1:19,20 5:8  <b>Members</b> 2:14 5:3  <b>met</b> 1:13  <b>Michael</b> 2:14  <b>MIKE</b> 1:19  <b>Miller</b> 1:15,17 2:3  2:11,19,22 3:8,11  3:14,21 4:6,16,19  5:2,9,13,19  <b>morning</b> 2:11,13  <b>motion</b> 5:10,14  <b>move</b> 5:4</p>	<p style="text-align: center;"><b>N</b></p> <p><b>N.W</b> 1:14 2:6  <b>naturally</b> 4:22  <b>need</b> 4:13  <b>new</b> 4:3,22  <b>NICK</b> 1:18  <b>notice</b> 3:3,15  <b>NW</b> 1:7</p> <hr/> <p style="text-align: center;"><b>O</b></p> <p><b>OAG</b> 1:22  <b>offense</b> 4:18,20  <b>offer</b> 4:7 5:5,15  <b>okay</b> 2:19,22 3:14  4:6 5:2,3,19  <b>Operations</b> 2:16  <b>opposed</b> 5:14  <b>owner</b> 2:17</p> <hr/> <p style="text-align: center;"><b>P</b></p> <p><b>P-R-O-C-E-E-D-...</b>  2:1  <b>part</b> 3:15  <b>passes</b> 5:15  <b>Phillips</b> 1:22 2:8,9  4:1  <b>preliminary</b> 3:22  <b>PRESENT</b> 1:16,21  <b>presiding</b> 1:15  <b>pursuant</b> 4:3</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <p><b>Qualify</b> 1:10  <b>quarterly</b> 4:12  <b>questions</b> 5:3</p> <hr/> <p style="text-align: center;"><b>R</b></p> <p><b>read</b> 3:5  <b>reading</b> 3:5  <b>received</b> 3:2,19  <b>record</b> 3:16  <b>records</b> 1:10 4:15  <b>Reeves</b> 1:14  <b>rendered</b> 4:13  <b>reports</b> 4:12  <b>Restaurant</b> 1:10  <b>Retailer</b> 1:8</p>	<p><b>Rhode</b> 1:7 2:5  <b>right</b> 3:1,15 5:17  <b>RODRIGUEZ</b> 1:19  <b>Room</b> 1:14  <b>Ruthanne</b> 1:15,17</p> <hr/> <p style="text-align: center;"><b>S</b></p> <p><b>scheme</b> 4:4  <b>second</b> 5:7,8  <b>seconded</b> 5:10  <b>see</b> 3:1  <b>SHORT</b> 1:20  <b>Show</b> 1:7 5:20  <b>Silverstein</b> 1:19 5:8  5:10  <b>staff</b> 2:18  <b>Status</b> 1:8 5:21  <b>statutory</b> 4:4  <b>Street</b> 1:14  <b>submitted</b> 2:18  <b>Suite</b> 1:14</p> <hr/> <p style="text-align: center;"><b>T</b></p> <p><b>t/a</b> 1:7  <b>Thank</b> 5:17,18  <b>Timashenka</b> 2:16  <b>two</b> 4:2</p> <hr/> <p style="text-align: center;"><b>U</b></p> <p><b>understand</b> 3:6  <b>understands</b> 4:11</p> <hr/> <p style="text-align: center;"><b>V</b></p> <hr/> <p style="text-align: center;"><b>W</b></p> <p><b>waive</b> 3:5  <b>warning</b> 4:5,8,14  4:17,22 5:6  <b>Washington</b> 1:14</p> <hr/> <p style="text-align: center;"><b>X</b></p> <hr/> <p style="text-align: center;"><b>Y</b></p> <hr/> <p style="text-align: center;"><b>Z</b></p> <hr/> <p style="text-align: center;"><b>0</b></p>
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