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

(9:59 a.m.)

CHAIRPERSON MILLER: All right, so we are going to go back to Case Number 12-AUD-0068(a), Big Bear Caf, located at 700 1st Northwest. License Number 84379 in ANC 5E.

MR. STERN: Michael Stern representing District of Columbia.

MR. KLINE: Good morning, Andrew Kline on behalf of the Applicant.

MR. DAVENPORT: And I'm Stuart Davenport, I'm the owner of the Big Bear.

CHAIRPERSON MILLER: Okay. Did Licensee receive notice of this hearing?

MR. KLINE: Yes, we received and read it, understood it and waive any required a formal meeting.

CHAIRPERSON MILLER: Okay, the notice is part of the record. Are there any preliminary matters in this case?

MR. STERN: There is one preliminary matter. I guess it's not the

1 usual, the District is moving to dismiss Count
2 3. That was my error in charging.

3 In reviewing the documents I
4 determined that that should not have been
5 charged when it was.

6 As to the remaining two counts, we
7 are still in discussions and we are hoping to
8 call this back in early. But at this time I
9 still need to speak to the investigator about
10 one matter that's up in the air.

11 And hopefully when that's resolved
12 we'll be able to go forward with the Offer in
13 Compromise.

14 CHAIRPERSON MILLER: Okay.

15 MR. KLINE: We concur with all of
16 that.

17 CHAIRPERSON MILLER: Okay. Then I
18 would move that we dismiss Charge 3 at the
19 request of the Government. Is there a second?

20 MEMBER BROOKS: Second.

21 CHAIRPERSON MILLER: Mr. Brooks
22 has seconded the motion, all those in favor

1 say aye?

2 (Chorus of ayes)

3 CHAIRPERSON MILLER: All those
4 opposed? All those abstaining? Okay, Charge
5 3 is then dismissed.

6 And for now this is scheduled for
7 a Show Cause hearing July 10, 2013 at 11:00
8 a.m. on the remaining two charges.

9 MR. KLINE: Madam Chair, I'm out
10 of town that day.

11 CHAIRPERSON MILLER: Okay.

12 MR. KLINE: So in abundance of
13 caution I would ask that it be moved. I
14 expect that we will be in here before then
15 with an Offer in Compromise which will
16 hopefully be acceptable to the Board.

17 In the event that for some reason
18 it doesn't work out, I would ask that the date
19 be moved.

20 CHAIRPERSON MILLER: Okay. Are
21 you requesting that you be put on the calender
22 for another Status?

1 MR. STERN: I think that's
2 probably best.

3 CHAIRPERSON MILLER: Once you have
4 an Offer in Compromise or something.

5 MR. STERN: Yes, we have the
6 complete structure done.

7 CHAIRPERSON MILLER: Okay.

8 MR. STERN: It's only a small
9 matter that's holding us up.

10 MR. KLINE: We might even be able
11 to do it as early as next week.

12 MR. STERN: Yes, maybe.

13 CHAIRPERSON MILLER: Okay, I'm
14 going to let my General Counsel deal with
15 that, but just so we know what it is you'd
16 like us to do. So that seems to make sense
17 though. You think approximately two weeks?

18 (Inaudible response)

19 CHAIRPERSON MILLER: Thank you.

20 (Whereupon, the hearing in the
21 above-mentioned matter was adjourned at 10:03
22 a.m.)

<p style="text-align: center;">A</p> <p>able 3:12 5:10 above-mentioned 5:21 abstaining 4:4 abundance 4:12 acceptable 4:16 adjourned 5:21 air 3:10 Alcoholic 1:2,12,13 ANC 2:6 Andrew 2:9 Applicant 2:10 approximately 5:17 aye 4:1 eyes 4:2 a.m 2:2 4:8 5:22</p>	<p>charging 3:2 Chorus 4:2 Columbia 1:1 2:8 complete 5:6 Compromise 3:13 4:15 5:4 concur 3:15 Control 1:2,12,13 Counsel 5:14 Count 3:1 counts 3:6 CR 1:8</p> <p style="text-align: center;">D</p> <p>date 4:18 Davenport 2:11,12 day 4:10 deal 5:14 determined 3:4 discussions 3:7 dismiss 3:1,18 dismissed 4:5 District 1:1 2:8 3:1 documents 3:3 DONALD 1:18 D.C 1:14</p>	<p>4:7 5:20 holding 5:9 hopefully 3:11 4:16 hoping 3:7</p> <p style="text-align: center;">I</p> <p>Inaudible 5:18 investigator 3:9</p> <p style="text-align: center;">J</p> <p>July 4:7</p> <p style="text-align: center;">K</p> <p>Kline 2:9,10,15 3:15 4:9,12 5:10 know 5:15</p> <p style="text-align: center;">L</p> <p>License 1:9 2:6 Licensee 2:14 LLC 1:6 located 2:5</p>	<p>Number 2:4,6 NW 1:8 N.W 1:14</p> <p style="text-align: center;">O</p> <p>OAG 1:22 Offer 3:12 4:15 5:4 Okay 2:13,18 3:14 3:17 4:4,11,20 5:7 5:13 Once 5:3 opposed 4:4 owner 2:12</p> <p style="text-align: center;">P</p> <p>part 2:19 preliminary 2:20 2:22 PRESENT 1:17,21 presiding 1:14 probably 5:2 put 4:21 P-R-O-C-E-E-D-... 2:1</p>	<p>seconded 3:22 sense 5:16 Show 1:7 4:7 SILVERSTEIN 1:18 small 5:8 speak 3:9 Status 1:8 4:22 Stern 1:22 2:7,7,21 5:1,5,8,12 Street 1:8,14 structure 5:6 Stuart 2:11</p> <p style="text-align: center;">T</p> <p>Thank 5:19 think 5:1,17 time 3:8 town 4:10 two 3:6 4:8 5:17 t/a 1:7</p>
<p style="text-align: center;">B</p> <p>back 2:4 3:8 Bear 1:6,7 2:5,12 behalf 2:10 best 5:2 Beverage 1:2,12,13 Big 1:6,7 2:5,12 Board 1:2,13 4:16 Brooks 1:18 3:20 3:21 Building 1:13</p>	<p style="text-align: center;">E</p> <p>early 3:8 5:11 error 3:2 event 4:17 expect 4:14</p> <p style="text-align: center;">F</p> <p>favor 3:22 formal 2:17 forward 3:12</p> <p style="text-align: center;">G</p> <p>General 5:14 go 2:4 3:12 going 2:4 5:14 Good 2:9 Government 3:19 guess 2:22</p>	<p style="text-align: center;">M</p> <p>Madam 4:9 matter 1:5 2:22 3:10 5:9,21 matters 2:20 meeting 1:3 2:17 Member 1:18,18 3:20 met 1:13 Michael 1:18,22 2:7 Miller 1:14,17 2:3 2:13,18 3:14,17 3:21 4:3,11,20 5:3 5:7,13,19 morning 2:9 motion 3:22 move 3:18 moved 4:13,19 moving 3:1</p>	<p style="text-align: center;">R</p> <p>read 2:16 reason 4:17 receive 2:14 received 2:15 record 2:19 Reeves 1:13 remaining 3:6 4:8 representing 2:8 request 3:19 requesting 4:21 required 2:16 resolved 3:11 response 5:18 Retailer 1:8 reviewing 3:3 right 2:3 Room 1:13 Ruthanne 1:14,17</p>	<p style="text-align: center;">U</p> <p>understood 2:16 usual 3:1</p> <p style="text-align: center;">W</p> <p>waive 2:16 Washington 1:14 week 5:11 weeks 5:17 we'll 3:12 work 4:18</p>
<p style="text-align: center;">C</p> <p>Caf 1:6,7 2:5 calender 4:21 call 3:8 case 1:9 2:4,20 Cause 1:7 4:7 caution 4:13 Chair 4:9 Chairman 1:14 Chairperson 1:17 2:3,13,18 3:14,17 3:21 4:3,11,20 5:3 5:7,13,19 Charge 3:18 4:4 charged 3:5 charges 4:8</p>	<p style="text-align: center;">H</p> <p>hearing 1:8,13 2:14</p>	<p style="text-align: center;">N</p> <p>need 3:9 Northwest 2:6 notice 2:14,19</p>	<p style="text-align: center;">S</p> <p>scheduled 4:6 second 3:19,20</p>	<p style="text-align: center;">P</p> <p>p 1:5,10</p> <p style="text-align: center;">0</p> <p>0068(a) 2:5</p> <p style="text-align: center;">1</p> <p>1st 1:8 2:5 10 4:7 10:03 5:21 11:00 4:7 12-AUD 2:4 12-AUD-00068(a) 1:9</p>

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