

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

␣-----»
IN THE MATTER OF: :
 :
HML Rose, Inc. :
t/a Lindy's Bon Appetit : Show Cause
2040 I Street, NW : Hearing
Retailer CR - ANC-2A :
License No. 23533 :
 :
(Failed to Comply With the :
Terms of the Offer in :
Compromise, dated 8/1/2012) :
␣-----¼

May 22, 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
MIKE SILVERSTEIN, Member

ALSO PRESENT:
CHRISSY GEPHARDT, OAG

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

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

(9:44 a.m.)

CHAIRPERSON MILLER: Ms. Gephardt,
our next case is Fact-Finding Hearing, but we
notice in our schedule that you may be here
for a Show Cause Hearing at 10:00?

MS. GEPHARDT: Yes.

CHAIRPERSON MILLER: And do you
have a motion on that? Do you have a motion
on that case? If you do and would like to --

MS. GEPHARDT: What? I'm sorry,
which case is that?

CHAIRPERSON MILLER: This is Case
No. 12-AUD-00010, Lindy's Bon Appetit.

MS. GEPHARDT: Yes.

CHAIRPERSON MILLER: Okay.

MS. GEPHARDT: Yes, the Government
does have a motion in that case.

CHAIRPERSON MILLER: All right.
Then I'll call that case ahead of the Fact-
Finding.

MS. GEPHARDT: Okay.

1 CHAIRPERSON MILLER: And so that's
2 Case 12-AUD-00010, Lindy's Bon Appetit located
3 at 2040 I Street, N.W., License No. 23533 in
4 ANC-2A. Do you --

5 MEMBER ALBERTI: Just one moment.

6 CHAIRPERSON MILLER: All right. I
7 think maybe the other party may not be here.
8 It is before 10:00, unless --

9 MS. GEPHARDT: Okay.

10 CHAIRPERSON MILLER: -- you have--

11 MS. GEPHARDT: I do not have
12 knowledge whether he is going to be here --

13 CHAIRPERSON MILLER: Okay.

14 MS. GEPHARDT: -- or not.

15 CHAIRPERSON MILLER: Are you here
16 for another case or is this it for this
17 morning?

18 MS. GEPHARDT: I have one more,
19 Baja Fresh.

20 CHAIRPERSON MILLER: Okay.

21 MS. GEPHARDT: It's another Show
22 Cause Hearing. I think it's at 11:00 though.

1 CHAIRPERSON MILLER: Okay. My
2 understanding is you may be filing a
3 dispositive motion in which case it would not
4 prejudice the party if they weren't here --

5 MS. GEPHARDT: Okay.

6 CHAIRPERSON MILLER: -- on Lindy's
7 Bon Appetit. So do you want to present that?

8 MS. GEPHARDT: Present that?
9 Right. Okay. Chrissy Gephardt on behalf of
10 the Office of the Attorney General.

11 In this case, the Government would
12 make a Motion to Dismiss this case, because
13 the fine, which is the question here in terms
14 of what the violation is, was paid on January
15 23, 2013. And since the fine has been paid,
16 the Government would move to dismiss.

17 CHAIRPERSON MILLER: Okay. All
18 right. Do Board Members have any questions on
19 that? All right.

20 Then I would move that we approve
21 the Government's Motion to Dismiss this case.

22 Do I have a second?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

MEMBER SILVERSTEIN: Second.

CHAIRPERSON MILLER: Mr.

Silverstein seconded the motion.

All those in favor say aye.

ALL: Aye.

CHAIRPERSON MILLER: All those
opposed? All those abstaining? Okay. Then
this case is dismissed by a vote of 4-0-0.

MS. GEPHARDT: Okay.

CHAIRPERSON MILLER: Okay. Thank
you, Ms. Gephardt.

MS. GEPHARDT: Okay. Thank you.

(Whereupon, the Show Cause Hearing
in the above-entitled matter was concluded at
9:46 a.m.)

<p style="text-align: center;">A</p> <p>above-entitled 5:14 abstaining 5:7 ahead 2:20 ALBERTI 1:19 3:5 Alcoholic 1:2,13,14 ANC-2A 1:8 3:4 Appetit 1:6 2:14 3:2 4:7 approve 4:20 Attorney 4:10 aye 5:4,5 a.m 2:2 5:15</p> <hr/> <p style="text-align: center;">B</p> <p>Baja 3:19 behalf 4:9 Beverage 1:2,13,14 Board 1:2,14 4:18 Bon 1:6 2:14 3:2 4:7 BROOKS 1:20 Building 1:14</p> <hr/> <p style="text-align: center;">C</p> <p>call 2:20 case 2:4,10,12,13 2:18,20 3:2,16 4:3 4:11,12,21 5:8 Cause 1:6 2:6 3:22 5:13 Chairperson 1:15 1:19 2:3,8,13,16 2:19 3:1,6,10,13 3:15,20 4:1,6,17 5:2,6,10 Chrissy 1:23 4:9 COLUMBIA 1:1 Comply 1:9 Compromise 1:10 concluded 5:14 Control 1:2,13,14 CR 1:8</p> <hr/> <p style="text-align: center;">D</p> <p>dated 1:10 dismiss 4:12,16,21</p>	<p>dismissed 5:8 dispositive 4:3 DISTRICT 1:1 DONALD 1:20 D.C 1:15</p> <hr/> <p style="text-align: center;">F</p> <p>Fact 2:20 Fact-Finding 2:4 Failed 1:9 favor 5:4 filing 4:2 Finding 2:21 fine 4:13,15 Fresh 3:19</p> <hr/> <p style="text-align: center;">G</p> <p>General 4:10 Gephardt 1:23 2:3 2:7,11,15,17,22 3:9,11,14,18,21 4:5,8,9 5:9,11,12 going 3:12 Government 2:17 4:11,16 Government's 4:21</p> <hr/> <p style="text-align: center;">H</p> <p>Hearing 1:7,14 2:4 2:6 3:22 5:13</p> <p>HML 1:6</p> <hr/> <p style="text-align: center;">J</p> <p>January 4:14</p> <hr/> <p style="text-align: center;">K</p> <p>knowledge 3:12</p> <hr/> <p style="text-align: center;">L</p> <p>License 1:8 3:3 Lindy's 1:6 2:14 3:2 4:6 located 3:2</p> <hr/> <p style="text-align: center;">M</p> <p>matter 1:5 5:14 MEETING 1:3 Member 1:19,20</p>	<p>1:21 3:5 5:1 Members 4:18 met 1:14 MIKE 1:21 Miller 1:15,19 2:3 2:8,13,16,19 3:1,6 3:10,13,15,20 4:1 4:6,17 5:2,6,10 moment 3:5 morning 3:17 motion 2:9,9,18 4:3 4:12,21 5:3 move 4:16,20</p> <hr/> <p style="text-align: center;">N</p> <p>NICK 1:19 notice 2:5 NW 1:7 N.W 1:15 3:3</p> <hr/> <p style="text-align: center;">O</p> <p>OAG 1:23 Offer 1:10 Office 4:10 Okay 2:16,22 3:9 3:13,20 4:1,5,9,17 5:7,9,10,12 opposed 5:7</p> <hr/> <p style="text-align: center;">P</p> <p>paid 4:14,15 party 3:7 4:4 prejudice 4:4 present 1:18,22 4:7 4:8 presiding 1:16 P-R-O-C-E-E-D-... 2:1</p> <hr/> <p style="text-align: center;">Q</p> <p>question 4:13 questions 4:18</p> <hr/> <p style="text-align: center;">R</p> <p>Reeves 1:14 Retailer 1:8 right 2:19 3:6 4:9 4:18,19</p>	<p>Room 1:14 Rose 1:6 Ruthanne 1:15,19</p> <hr/> <p style="text-align: center;">S</p> <p>schedule 2:5 second 4:22 5:1 seconded 5:3 Show 1:6 2:6 3:21 5:13 Silverstein 1:21 5:1 5:3 sorry 2:11 Street 1:7,15 3:3 Suite 1:15</p> <hr/> <p style="text-align: center;">T</p> <p>terms 1:10 4:13 Thank 5:10,12 think 3:7,22 t/a 1:6</p> <hr/> <p style="text-align: center;">U</p> <p>understanding 4:2</p> <hr/> <p style="text-align: center;">V</p> <p>violation 4:14 vote 5:8</p> <hr/> <p style="text-align: center;">W</p> <p>want 4:7 Washington 1:15 weren't 4:4</p> <hr/> <p style="text-align: center;">P</p> <p>p 1:4,11</p> <hr/> <p style="text-align: center;">1</p> <p>10:00 2:6 3:8 11:00 3:22 12-AUD-00010 2:14 3:2 14th 1:14</p> <hr/> <p style="text-align: center;">2</p> <p>2000 1:14 20009 1:15 2013 1:12 4:15 2040 1:7 3:3</p>	<p>22 1:12 23 4:15 23533 1:8 3:3</p> <hr/> <p style="text-align: center;">4</p> <p>4-0-0 5:8 400S 1:15</p> <hr/> <p style="text-align: center;">8</p> <p>8/1/2012 1:10</p> <hr/> <p style="text-align: center;">9</p> <p>9:44 2:2 9:46 5:15</p>
---	--	---	---	--