

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
 :
Inner Circle 1420, LLC :
t/a Lotus : Show Cause
1420 K Street, NW : Hearing
Retailer CN - ANC-2F : (Status)
License No. 75162 :
Case #11-251-00204, :
Case #11-251-00204(a) and :
Case #11-251-00216 :
 :
(Allowed the Establishment :
to be Used for an Unlawful :
or Disorderly Purpose, :
Failed to Follow Security :
Plan) :
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June 6, 2012

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, 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
- HERMAN JONES, Member
- CALVIN NOPHLIN, Member
- MIKE SILVERSTEIN, Member

ALSO PRESENT:

- LOUISE PHILLIPS, OAG

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

(10:09 a.m.)

CHAIRPERSON MILLER: Okay. We can move on to the second set of charges for Case Nos. 11-251-00204, 11-251-00204(a) and 11-251-00216.

MS. PHILLIPS: Louise Phillips, Assistant Attorney General for the District of Columbia. Good morning again, Board Members.

CHAIRPERSON MILLER: Good morning. Do we have any preliminary matters on this case?

MS. PHILLIPS: Do you want the other side to introduce themselves for the record?

CHAIRPERSON MILLER: Oh, okay. We kind of merged these, but let's start again. Okay.

MR. MPRAS: Emanuel Mpras for Inner Circle 1420, LLC t/a Lotus.

MR. ROMEO: Michael Romero for Lotus.

1 CHAIRPERSON MILLER: Okay.

2 MR. ROMEO: Thank you.

3 MS. PHILLIPS: Yes. We do have a
4 preliminary matter.

5 CHAIRPERSON MILLER: Okay.

6 MS. PHILLIPS: The parties have
7 agreed of an offer in compromise to present to
8 the Board. This is a combined notice of, I
9 would say, two cases, but we've called three
10 different ones, 204, 204(a) and 216. They
11 concern one violent incident, which is Charge
12 1 and then four security plan violations.

13 And all of these events occurred
14 on June 10th, one day.

15 CHAIRPERSON MILLER: Okay.

16 MS. PHILLIPS: The offer in
17 compromise we will present to the Board, which
18 has been agreed upon, is a \$7,000 fine and
19 three suspension days served July 28th, 29th
20 and 30th with payment to be made within 60
21 days, if I didn't say that already.

22 And for the Board's information --

1 CHAIRPERSON MILLER: I'm sorry,
2 three days? Is that what you said?

3 MS. PHILLIPS: I did, indeed.

4 CHAIRPERSON MILLER: Three days
5 suspension?

6 MS. PHILLIPS: Served.

7 CHAIRPERSON MILLER: Served,
8 right, okay.

9 MS. PHILLIPS: On July 28th, 29th
10 and 30th.

11 CHAIRPERSON MILLER: Okay.

12 MS. PHILLIPS: And for the Board's
13 information, Charge 4 and 5 were consolidated
14 because while the others are similar, these
15 are the most similar and we've agreed they are
16 security plan violations of, what I call,
17 charting, reporting writing as opposed to
18 security plan violations that deal with a
19 violent incident which were all charged
20 separately.

21 CHAIRPERSON MILLER: All right.
22 And did you say when the \$7,000 was to be

1 paid?

2 MS. PHILLIPS: I did. 60 days,
3 please.

4 CHAIRPERSON MILLER: Okay.

5 MS. PHILLIPS: That's what we
6 agreed upon.

7 CHAIRPERSON MILLER: Mr. Jones,
8 you have a question?

9 MEMBER JONES: Yes, ma'am. Just
10 for clarification purposes, you said the
11 dollar amount was \$7,000. Do you have a
12 breakdown by charge?

13 MS. PHILLIPS: I do, indeed, Mr.
14 Jones.

15 MEMBER JONES: Okay. Thank you.

16 MS. PHILLIPS: Charge 1, \$2,000;
17 Charge 2, \$2,000; Charge 3, \$2,000; Charge 4
18 and 5, which were consolidated, \$1,000.

19 MEMBER JONES: Thank you.

20 MS. PHILLIPS: You're welcome, Mr.
21 Jones.

22 CHAIRPERSON MILLER: Okay. Mr.

1 Mpras, there has been an offer in compromise
2 represented by Ms. Phillips for \$7,000 penalty
3 to be paid within 60 days with three days
4 suspension served July 28th through July 30th.
5 Is that what your client agreed to?

6 MR. MPRAS: Yes, ma'am. And we
7 would also like to proffer that a security
8 consultant has been retained and is in the
9 process of retraining all the staff. Not
10 everybody can come at once, so multiple
11 sessions were set up. And a new security plan
12 will be submitted to the Board shortly.

13 CHAIRPERSON MILLER: Okay. I just
14 have one basic question, Ms. Phillips. This
15 one involves a violent crime and why do you
16 think that this is an adequate OIC?

17 MS. PHILLIPS: That's the way the
18 Agency and the District assessed it. Also, I
19 read the fact-finding transcript and at a
20 very, very late date found out that there was
21 a Fact-Finding Order issued. I read that and
22 I spoke with the investigators and spoke with

1 the Agency and this is what we bring forward.

2 CHAIRPERSON MILLER: Okay. Any
3 other questions? Okay. Then we have before
4 us an offer in compromise of \$7,000 to be paid
5 within 60 days with three days suspension
6 served July 28th through July 30th.

7 I would move that we reject this
8 offer in compromise. Do I have a second?

9 MEMBER ALBERTI: Second.

10 CHAIRPERSON MILLER: Any comments?

11 All those in favor of the motion
12 to reject the offer in compromise say aye.

13 ALL: Aye.

14 CHAIRPERSON MILLER: All those
15 opposed? All those abstaining? The vote is
16 6-0-0 to reject this offer in compromise.
17 Okay.

18 MS. PHILLIPS: Madam Chair, for
19 the record, this matter was scheduled for a
20 Show Cause on the 20th of June. The District
21 will be filing a motion to continue that
22 hearing and potential to propose in the motion

1 that we reset it for the 27th, which was the
2 time slot reserved for the other two cases
3 that we adjudicated today.

4 The District happens to be in
5 another hearing before another Board and I
6 will file a motion unless you will grant the
7 oral motion today for the change.

8 CHAIRPERSON MILLER: Well, I have
9 to check with my counsel if we know what's on
10 the calendar for that day? You are saying
11 that slot is readily available, because we
12 just accepted the offer in compromise,
13 correct?

14 MS. PHILLIPS: For the other one.

15 CHAIRPERSON MILLER: Okay. Is
16 that amenable to you, Mr. Mpras?

17 MR. MPRAS: Yes.

18 CHAIRPERSON MILLER: Okay. Okay.

19 MS. PHILLIPS: Madam Chair, that
20 might be a long hearing, so if you don't have
21 a long spot --

22 CHAIRPERSON MILLER: That's what

1 we were --

2 MS. PHILLIPS: Yes.

3 CHAIRPERSON MILLER: Sorry.

4 That's what we were wondering.

5 MS. PHILLIPS: Okay.

6 CHAIRPERSON MILLER: That the
7 other one might have been shorter.

8 MS. PHILLIPS: Any possible
9 witnesses? I saw the witnesses that you had
10 in the fact-finding. I assume at least that
11 many will be called. I know that there is
12 footage on this particular case.

13 CHAIRPERSON MILLER: Okay, right.

14 MS. PHILLIPS: I intend to show
15 the footage. I mean, and that's just what I
16 know just speaking off the cuff having
17 reviewed these cases earlier.

18 CHAIRPERSON MILLER: Thank you.
19 So I think that we probably should get back to
20 you on that, on the date and make sure we have
21 enough time on that day.

22 MS. PHILLIPS: I could file the

1 motion, if you wish, or --

2 CHAIRPERSON MILLER: I don't think
3 you need to.

4 MS. PHILLIPS: Okay. Thank you,
5 Madam Chair.

6 CHAIRPERSON MILLER: No, you don't
7 need to file a motion. We hear you. So we
8 will look at the calendar and our counsel will
9 get back to you.

10 MR. MPRAS: Madam Chair, just for
11 clarification, we will not be having it on the
12 20th? You are changing the date to a future
13 date?

14 CHAIRPERSON MILLER: Ms. Phillips,
15 tell me again why you couldn't do the 20th?

16 MS. PHILLIPS: Because I'm
17 appearing before another board.

18 CHAIRPERSON MILLER: Oh, okay. Do
19 you have an objection to the --

20 MS. PHILLIPS: It only meets once
21 a month, so, you know, it's really hard to
22 schedule those.

1 CHAIRPERSON MILLER: Okay. Do you
2 have an objection to that?

3 MR. MPRAS: No, I don't.

4 CHAIRPERSON MILLER: Okay. All
5 right. So then, you know, we won't have that
6 on the 20th.

7 MR. MPRAS: Okay.

8 CHAIRPERSON MILLER: Okay.

9 MS. PHILLIPS: Thank you, Madam
10 Chair.

11 CHAIRPERSON MILLER: Okay. I
12 think that concludes this case. Thank you.

13 (Whereupon, the Show Cause
14 (Status) Hearing in the above-entitled case
15 was concluded at 10:17 a.m.)

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<p style="text-align: center;">A</p> <p>above-entitled 11:14</p> <p>abstaining 7:15</p> <p>accepted 8:12</p> <p>adequate 6:16</p> <p>adjudicated 8:3</p> <p>Agency 6:18 7:1</p> <p>agreed 3:7,18 4:15 5:6 6:5</p> <p>ALBERTI 1:21 7:9</p> <p>Alcoholic 1:2,16,17</p> <p>Allowed 1:11</p> <p>amenable 8:16</p> <p>amount 5:11</p> <p>ANC-2F 1:8</p> <p>appearing 10:17</p> <p>assessed 6:18</p> <p>Assistant 2:8</p> <p>assume 9:10</p> <p>Attorney 2:8</p> <p>available 8:11</p> <p>aye 7:12,13</p> <p>a.m 2:2 11:15</p> <hr/> <p style="text-align: center;">B</p> <p>back 9:19 10:9</p> <p>basic 6:14</p> <p>Beverage 1:2,16,17</p> <p>board 1:2,17 2:9 3:8,17 6:12 8:5 10:17</p> <p>Board's 3:22 4:12</p> <p>breakdown 5:12</p> <p>bring 7:1</p> <p>BROOKS 1:21</p> <hr/> <p style="text-align: center;">C</p> <p>calendar 8:10 10:8</p> <p>call 4:16</p> <p>called 3:9 9:11</p> <p>CALVIN 1:22</p> <p>case 1:9,9,10 2:4,12 9:12 11:12,14</p> <p>cases 3:9 8:2 9:17</p> <p>Cause 1:6 7:20 11:13</p>	<p>Chair 7:18 8:19 10:5,10 11:10</p> <p>Chairperson 1:18 1:20 2:3,10,16 3:1 3:5,15 4:1,4,7,11 4:21 5:4,7,22 6:13 7:2,10,14 8:8,15 8:18,22 9:3,6,13 9:18 10:2,6,14,18 11:1,4,8,11</p> <p>change 8:7</p> <p>changing 10:12</p> <p>charge 3:11 4:13 5:12,16,17,17,17</p> <p>charged 4:19</p> <p>charges 2:4</p> <p>charting 4:17</p> <p>check 8:9</p> <p>Circle 1:6 2:20</p> <p>clarification 5:10 10:11</p> <p>client 6:5</p> <p>CN 1:8</p> <p>Columbia 1:1 2:9</p> <p>combined 3:8</p> <p>come 6:10</p> <p>comments 7:10</p> <p>compromise 3:7,17 6:1 7:4,8,12,16 8:12</p> <p>concern 3:11</p> <p>concluded 11:15</p> <p>concludes 11:12</p> <p>consolidated 4:13 5:18</p> <p>consultant 6:8</p> <p>continue 7:21</p> <p>Control 1:2,16,17</p> <p>correct 8:13</p> <p>counsel 8:9 10:8</p> <p>crime 6:15</p> <p>cuff 9:16</p> <hr/> <p style="text-align: center;">D</p> <p>date 6:20 9:20 10:12,13</p> <p>day 3:14 8:10 9:21</p>	<p>days 3:19,21 4:2,4 5:2 6:3,3 7:5,5</p> <p>deal 4:18</p> <p>different 3:10</p> <p>Disorderly 1:12</p> <p>District 1:1 2:8 6:18 7:20 8:4</p> <p>dollar 5:11</p> <p>DONALD 1:21</p> <p>D.C 1:18</p> <hr/> <p style="text-align: center;">E</p> <p>earlier 9:17</p> <p>Emanuel 2:19</p> <p>Establishment 1:11</p> <p>events 3:13</p> <p>everybody 6:10</p> <hr/> <p style="text-align: center;">F</p> <p>fact-finding 6:19 6:21 9:10</p> <p>Failed 1:13</p> <p>favor 7:11</p> <p>file 8:6 9:22 10:7</p> <p>filing 7:21</p> <p>fine 3:18</p> <p>Follow 1:13</p> <p>footage 9:12,15</p> <p>forward 7:1</p> <p>found 6:20</p> <p>four 3:12</p> <p>future 10:12</p> <hr/> <p style="text-align: center;">G</p> <p>General 2:8</p> <p>Good 2:9,10</p> <p>grant 8:6</p> <hr/> <p style="text-align: center;">H</p> <p>happens 8:4</p> <p>hard 10:21</p> <p>hear 10:7</p> <p>hearing 1:7,17 7:22 8:5,20 11:14</p> <p>HERMAN 1:22</p> <hr/> <p style="text-align: center;">I</p> <p>incident 3:11 4:19</p>	<p>information 3:22 4:13</p> <p>Inner 1:6 2:20</p> <p>intend 9:14</p> <p>introduce 2:14</p> <p>investigators 6:22</p> <p>involves 6:15</p> <p>issued 6:21</p> <hr/> <p style="text-align: center;">J</p> <p>Jones 1:22 5:7,9,14 5:15,19,21</p> <p>July 3:19 4:9 6:4,4 7:6,6</p> <p>June 1:15 3:14 7:20</p> <hr/> <p style="text-align: center;">K</p> <p>K 1:7</p> <p>kind 2:17</p> <p>know 8:9 9:11,16 10:21 11:5</p> <hr/> <p style="text-align: center;">L</p> <p>late 6:20</p> <p>let's 2:17</p> <p>License 1:8</p> <p>LLC 1:6 2:20</p> <p>long 8:20,21</p> <p>look 10:8</p> <p>Lotus 1:6 2:20,22</p> <p>Louise 1:25 2:7</p> <hr/> <p style="text-align: center;">M</p> <p>Madam 7:18 8:19 10:5,10 11:9</p> <p>matter 1:5 3:4 7:19</p> <p>matters 2:11</p> <p>ma'am 5:9 6:6</p> <p>mean 9:15</p> <p>MEETING 1:3</p> <p>meets 10:20</p> <p>Member 1:21,21 1:22,22,23 5:9,15 5:19 7:9</p> <p>Members 2:9</p> <p>merged 2:17</p> <p>met 1:17</p> <p>Michael 2:21</p>	<p>MIKE 1:23</p> <p>Miller 1:18,20 2:3 2:10,16 3:1,5,15 4:1,4,7,11,21 5:4 5:7,22 6:13 7:2,10 7:14 8:8,15,18,22 9:3,6,13,18 10:2,6 10:14,18 11:1,4,8 11:11</p> <p>month 10:21</p> <p>morning 2:9,10</p> <p>motion 7:11,21,22 8:6,7 10:1,7</p> <p>move 2:4 7:7</p> <p>Mpras 2:19,19 6:1 6:6 8:16,17 10:10 11:3,7</p> <p>multiple 6:10</p> <hr/> <p style="text-align: center;">N</p> <p>need 10:3,7</p> <p>new 6:11</p> <p>NICK 1:21</p> <p>NOPHLIN 1:22</p> <p>Nos 2:5</p> <p>notice 3:8</p> <p>NW 1:7</p> <p>N.W 1:17</p> <hr/> <p style="text-align: center;">O</p> <p>OAG 1:25</p> <p>objection 10:19 11:2</p> <p>occurred 3:13</p> <p>offer 3:7,16 6:1 7:4 7:8,12,16 8:12</p> <p>Oh 2:16 10:18</p> <p>OIC 6:16</p> <p>okay 2:3,16,18 3:1 3:5,15 4:8,11 5:4 5:15,22 6:13 7:2,3 7:17 8:15,18,18 9:5,13 10:4,18 11:1,4,7,8,11</p> <p>once 6:10 10:20</p> <p>ones 3:10</p> <p>opposed 4:17 7:15</p> <p>oral 8:7</p>
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