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

10:29 a.m.

MS. SCHMIDT: Well, Madam  
Chairperson, may I ask that since I have a  
non-ABRA witness here and there's an OIC in  
the show cause hearing that's scheduled at  
10:00 that we just push it ahead of Justin's?  
Ms. Gephardt has agreed to that.

CHAIRPERSON MILLER: Okay. What  
case is that?

MS. SCHMIDT: It is the Mighty  
Pint.

CHAIRPERSON MILLER: Okay. So,  
I'm calling now, it was scheduled for 10:00.  
So, there's no problem with that, Case Number  
12-CMP-00633, The Mighty Pint located at 1831  
M Street, N.W., License Number 84184 in ANC  
2B.

Good morning.

MR. KLINE: Good morning.

CHAIRPERSON MILLER: Okay. So,  
this --

1 MS. SCHMIDT: Oh, Amy Schmidt,  
2 Assistant Attorney General on behalf of the  
3 District of Columbia.

4 CHAIRPERSON MILLER: Okay.

5 MR. KLINE: Good morning, Andrew  
6 Kline on behalf of the Licensee and seated to  
7 my left is Reese Gardner, principal of the  
8 Licensee.

9 CHAIRPERSON MILLER: Okay. So,  
10 this is a show cause hearing. Are there any  
11 preliminary matters?

12 MS. SCHMIDT: Yes, we have an  
13 offer in compromise in this matter and \$1,000  
14 fine to be paid within --

15 MR. KLINE: Within ten days.

16 MS. SCHMIDT: -- ten days.

17 CHAIRPERSON MILLER: One thousand.  
18 Okay. Within how many days? I'm sorry. Ten?

19 MS. SCHMIDT: Ten.

20 MR. KLINE: Ten. Yes.

21 CHAIRPERSON MILLER: Ten. Okay.

22 And I just want to confirm with the Licensee

1 that he's agreeable to this offer in  
2 compromise of \$1,000 to be paid within ten  
3 days.

4 MR. GARDNER: Yes.

5 CHAIRPERSON MILLER: And you  
6 understand you waive your right to a hearing  
7 if you accept this offer in compromise?

8 MR. GARDNER: Yes.

9 CHAIRPERSON MILLER: Okay. Any  
10 Board questions?

11 MR. KLINE: I understand --

12 CHAIRPERSON MILLER: Do you have a  
13 question?

14 MR. KLINE: I would like to make a  
15 statement concerning the offer in compromise  
16 to the Board.

17 CHAIRPERSON MILLER: All right.

18 MR. KLINE: I understand the  
19 reason because it is the minimum fine.

20 This Licensee had previously been  
21 approved for operations until 5:00 a.m. Which  
22 obviously did not involve service until 5:00

1 a.m. because service until 5:00 a.m. was  
2 illegal.

3 When the law changed allowing the  
4 extended hours, it was their understanding  
5 that they could take advantage of the extended  
6 hours. They did not realize that they needed  
7 to separately apply.

8 They have another establishment  
9 right around the corner called Irish Whiskey  
10 and they did apply for the extended hours  
11 knowing that they needed to do that. But,  
12 because they had previously been approved for  
13 operations at this location until 5:00 a.m.,  
14 they didn't understand that they separately  
15 had to seek approval. So, it really was a  
16 misunderstanding.

17 Immediately after these  
18 circumstances, Mr. Gardner did two things.  
19 One is he immediately called Mr. Moosally and  
20 said what? I don't understand. What's going  
21 on? Second is they immediately came in and  
22 applied for extended hours.

1                   So, it truly was a  
2                   misunderstanding. We would like the Board to  
3                   take consideration of that and accept this  
4                   offer in compromise.

5                   CHAIRPERSON MILLER: Okay. Thank  
6                   you. Any questions?

7                   All right. I would move that we  
8                   do accept this offer in compromise of \$1,000  
9                   to be paid within ten days.

10                  Do I have a second?

11                  MEMBER SILVERSTEIN: Second.

12                  CHAIRPERSON MILLER: Mr.  
13                  Silverstein seconded the motion. All those in  
14                  favor say aye.

15                  (Ayes.)

16                  CHAIRPERSON MILLER: All those  
17                  opposed?

18                  MEMBER ALBERTI: Opposed.

19                  CHAIRPERSON MILLER: All those  
20                  abstaining? Then the vote is 3-1-0 to accept  
21                  the offer in compromise.

22                  MR. KLINE: Thank you.

1 CHAIRPERSON MILLER: Okay. Thank  
2 you.

3 Ms. Schmidt, are you leaving?

4 MS. SCHMIDT: Ms. Gephardt's  
5 taking over. Ms. Gephardt's taking over.

6 CHAIRPERSON MILLER: Oh. Okay.  
7 Okay. Thank you very much.

8 MS. SCHMIDT: Welcome.

9 COURT REPORTER: Excuse me for one  
10 second. Was it Mr. Brooks opposed?

11 MEMBER ALBERTI: No, Mr. Alberti.

12 CHAIRPERSON MILLER: No, Mr.  
13 Alberti.

14 (Whereupon, at 10:34 a.m., the  
15 hearing was adjourned.)

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<p style="text-align: center;"><b>A</b></p> <p><b>abstaining</b> 6:20  <b>accept</b> 4:7 6:3,8,20  <b>adjourned</b> 7:15  <b>advantage</b> 5:5  <b>agreeable</b> 4:1  <b>agreed</b> 2:8  <b>ahead</b> 2:7  <b>Alberti</b> 1:19 6:18  7:11,11,13  <b>Alcoholic</b> 1:2,14,14  <b>allowing</b> 5:3  <b>Amy</b> 1:23 3:1  <b>ANC</b> 1:9 2:17  <b>Andrew</b> 3:5  <b>applied</b> 5:22  <b>apply</b> 5:7,10  <b>approval</b> 5:15  <b>approved</b> 1:10 4:21  5:12  <b>Assistant</b> 3:2  <b>Attorney</b> 3:2  <b>aye</b> 6:14  <b>Ayes</b> 6:15  <b>a.m</b> 2:2 4:21 5:1,1  5:13 7:14</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p><b>behalf</b> 3:2,6  <b>Beverage</b> 1:2,14,14  <b>Board</b> 1:2,10,14  4:10,16 6:2  <b>Brooks</b> 1:19 7:10  <b>Building</b> 1:15</p> <hr/> <p style="text-align: center;"><b>C</b></p> <p><b>called</b> 5:9,19  <b>calling</b> 2:14  <b>case</b> 1:11 2:10,15  <b>cause</b> 1:8 2:6 3:10  <b>Chairperson</b> 1:15  1:18 2:4,9,13,21  3:4,9,17,21 4:5,9  4:12,17 6:5,12,16  6:19 7:1,6,12  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6:6</p> <hr/> <p style="text-align: center;"><b>R</b></p> <p><b>realize</b> 5:6  <b>really</b> 5:15  <b>reason</b> 4:19  <b>Reese</b> 3:7</p>	<p><b>Reeves</b> 1:15  <b>REPORTER</b> 7:9  <b>Retailer</b> 1:8  <b>right</b> 4:6,17 5:9 6:7  <b>Room</b> 1:15  <b>Ruthanne</b> 1:16,18</p> <hr/> <p style="text-align: center;"><b>S</b></p> <p><b>scheduled</b> 2:6,14  <b>Schmidt</b> 1:23 2:3  2:11 3:1,1,12,16  3:19 7:3,4,8  <b>seated</b> 3:6  <b>second</b> 5:21 6:10  6:11 7:10  <b>seconded</b> 6:13  <b>seek</b> 5:15  <b>separately</b> 5:7,14  <b>service</b> 4:22 5:1  <b>show</b> 1:8 2:6 3:10  <b>Silverstein</b> 1:20  6:11,13  <b>sorry</b> 3:18  <b>statement</b> 4:15  <b>Street</b> 1:8,15 2:17</p> <hr/> <p style="text-align: center;"><b>T</b></p> <p><b>take</b> 5:5 6:3  <b>ten</b> 3:15,16,18,19  3:20,21 4:2 6:9  <b>Thank</b> 6:5,22 7:1,7  <b>things</b> 5:18  <b>thousand</b> 3:17  <b>truly</b> 6:1  <b>two</b> 5:18  <b>t/a</b> 1:7</p> <hr/> <p style="text-align: center;"><b>U</b></p> 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**Washington** 1:15  
**Welcome** 7:8  
**Whiskey** 5:9  
**witness** 2:5

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**p** 1:5,12

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**\$1,000** 3:13 4:2 6:8

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**2000** 1:15

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**5:00** 4:21,22 5:1,13

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**84184** 1:9 2:17