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

2:36 p.m.

CHAIRPERSON MILLER: Okay. We're back on the record continuing with this afternoon's cases.

The next case I'm going to call there are two cases for My Brother's Place, Case Number 12-CC-00117 and 12-CMP-00717. My Brother's Place is located at 237 2nd Street, N.W., License Number 71593 in ANC 6C.

Good afternoon.

MR. SLACTER: Good afternoon.

CHAIRPERSON MILLER: When you have a chance, there's a sign-in sheet and then if you could state your name for the record.

MR. SLACTER: My name is David Slacter S-L-A-C-T-E-R and I am Counsel for My Brother's Place.

CHAIRPERSON MILLER: Okay. Have you filed -- I'm sorry. Have you filed a notice of appearance?

MR. SLACTER: I have not. No.

1                   CHAIRPERSON MILLER: You have not.  
2                   Okay. A second. All right. We'll accept  
3                   your oral entry of appearance.

4                   MR. SLACTER: Thank you.

5                   CHAIRPERSON MILLER: Okay.

6                   MS. GEPHARDT: Oh, Chrissy  
7                   Gephardt on behalf of the Office of the  
8                   Attorney General. Thank you.

9                   CHAIRPERSON MILLER: So, these are  
10                  both show cause -- I'm sorry. They're both  
11                  show cause cases.

12                  Starting with the first one which  
13                  is CC-00117, are there any preliminary  
14                  matters?

15                  MS. GEPHARDT: Yes, there is a  
16                  preliminary matter. In this case, first of  
17                  all, I'd like to mention to the Board that the  
18                  Licensee is transferring the license to a new  
19                  owner. I believe the application has been  
20                  filed as of Friday, this past Friday and the  
21                  goal is for the actual ownership transfer to  
22                  take place on August 1st and obviously, the

1 license transfer would not be done pending,  
2 you know, the completion of these cases.

3 So, given that, for Case Number  
4 12-CC-00117, the parties have agreed on a  
5 penalty as follows. Charge 1 would be a  
6 \$5,000 fine with a 14-day suspension with  
7 eight days served and six days stayed for one  
8 year. Charge 2 would be dropped and four of  
9 the suspension days are days that kick in from  
10 Case 12-251-00129.

11 CHAIRPERSON MILLER: Okay.

12 MR. SLACTER: That would be  
13 acceptable to My Brother's Place.

14 CHAIRPERSON MILLER: Okay. And  
15 your client knows that it waives his right for  
16 a hearing.

17 MR. SLACTER: I'm sorry.

18 CHAIRPERSON MILLER: Your client  
19 knows that they waive their right to a hearing  
20 by entering into the offer in compromise.

21 MR. SLACTER: Yes.

22 CHAIRPERSON MILLER: Okay. Other

1 questions by Board Members? Mr. Alberti.

2 MEMBER ALBERTI: Ms. Gephardt, you  
3 spoke about a pending transfer and Mr. Slacter  
4 can answer this.

5 The person to whom this is being  
6 transferred, what is their relationship to the  
7 current owner?

8 MR. SLACTER: There is none. It's  
9 an arm's length transaction.

10 MEMBER ALBERTI: Okay.

11 MR. SLACTER: And as I mention to  
12 Ms. Gephardt, one of the new owners, one of  
13 the new members of the ownership group is a  
14 former employee of My Brother's Place, but he  
15 hasn't worked there in quite some time and one  
16 of the reasons he's been included is his  
17 knowledge of the business, but it is a totally  
18 new ownership and if you -- as I mentioned  
19 also, would tell the Board that the present  
20 ownership has had problems in the past and  
21 it's a good thing they're getting out of the  
22 business.

1                   So, this is an arm's length  
2                   transaction and once the keys are turned over,  
3                   they're going to have nothing at all to do  
4                   with the business.

5                   MEMBER ALBERTI: Thank you. Thank  
6                   you for that, Mr. Slacter.

7                   CHAIRPERSON MILLER: Ms. Gephardt,  
8                   when would the fine be paid by?

9                   MR. SLACTER: We really didn't  
10                  talk about when it would be paid by, but it  
11                  can certainly be paid by August -- by August  
12                  1st. It will be paid in full. We would have  
13                  to pay the fine before the license could be  
14                  transferred. So, that's roughly 14 -- you  
15                  know, two weeks from now. So.

16                  CHAIRPERSON MILLER: Okay.

17                  MR. SLACTER: And the plan would  
18                  be that it would be paid as part of the whole  
19                  settlement of the business.

20                  MS. GEPHARDT: And the Government  
21                  is agreeable to the time line for the payment  
22                  of the fine.

1 CHAIRPERSON MILLER: Which I'm  
2 hearing would be August 1st. That latest.

3 MS. GEPHARDT: Before August.  
4 Right.

5 CHAIRPERSON MILLER: Before  
6 August.

7 MS. GEPHARDT: As of August 1st if  
8 not before.

9 CHAIRPERSON MILLER: I understand.  
10 On or before. Okay.

11 Other questions? Yes, Mr. Jones.

12 MEMBER JONES: Thank you, Madam  
13 Chair.

14 Just for clarification purposes,  
15 the charge 011 -- sorry. The case is 00117?

16 MS. GEPHARDT: 00117. That's  
17 correct.

18 MEMBER JONES: Okay. And --

19 CHAIRPERSON MILLER: Yes, that's  
20 correct.

21 MEMBER JONES: I was being  
22 corrected, but I think I can -- I'm corrected.

1 So, clarification, the dates that you noted,  
2 what was the breakdown of the days again?

3 MS. GEPHARDT: It's a 14-day  
4 suspension with eight days served and six days  
5 stayed for one year. Charge 2 is dropped and  
6 four of the suspension days are days that came  
7 from 12-251-00129.

8 MEMBER JONES: Okay. So, eight  
9 served, six stayed?

10 MS. GEPHARDT: Correct.

11 MEMBER JONES: Okay. And did you  
12 provide dates as to why the days would be  
13 served?

14 MS. GEPHARDT: Well, I believe it  
15 would be immediately given the fact that  
16 they're trying to change ownership before  
17 August 1st. So, the -- you know, the sooner  
18 the better for them and we are agreeable to  
19 them serving the days immediately.

20 MEMBER JONES: Okay. Would you be  
21 willing to proffer to speak to --

22 MR. SLACTER: Immediately is

1 agreeable and that's what's contemplated.

2 MEMBER JONES: Okay. Immediately  
3 being today, tomorrow?

4 MR. SLACTER: If we could do it  
5 tomorrow. I just want to make sure that  
6 logistically it's possible. So, starting  
7 tomorrow.

8 MEMBER JONES: All right. And  
9 you're typically open seven days a week?

10 MR. SLACTER: Yes.

11 MEMBER JONES: Okay. And are you  
12 currently open?

13 MR. SLACTER: Yes.

14 MEMBER JONES: Okay. That's all I  
15 have. Thank you.

16 CHAIRPERSON MILLER: Okay.  
17 Others? Mr. Slacter, I'm going to try to  
18 repeat the offer in compromise as I understand  
19 it and then you can let me know if this is  
20 what you agreed to.

21 And that a fine of \$5,000 payable  
22 no later than August 1st, 2013, 14 days

1 license suspended, eight days served starting  
2 July 18th and to run consecutively, six days  
3 stayed for one year pending no further  
4 violations and four of the served days are  
5 triggered by a previous case, Case Number 12-  
6 251-00129.

7 MR. SLACTER: That is correct.

8 CHAIRPERSON MILLER: That's  
9 correct. Okay. Okay. If there are no  
10 further questions or comments on this, then I  
11 would move that we approve this offer in  
12 compromise as I just articulated it.

13 Do I have a second?

14 MEMBER SILVERSTEIN: Second.

15 CHAIRPERSON MILLER: Mr.  
16 Silverstein has seconded the motion. All  
17 those in favor say aye.

18 (Ayes.)

19 CHAIRPERSON MILLER: All those  
20 opposed? All those abstaining? The motion  
21 passes 5-0-0.

22 Okay. Let's move on to the second

1 case. That's 12 -- I had this right. CMP-  
2 00717. Okay. Is there any preliminary  
3 matters on that case?

4 MS. GEPHARDT: Yes, we do have a  
5 preliminary matter in this case. We have  
6 agreed to an offer in compromise that we'd  
7 like to present to the Board. The compromise  
8 is for charge 1 a \$5,000 -- excuse me, for  
9 charge 1 a \$5,000 fine and a ten-day  
10 suspension with six days served and four days  
11 stayed for one year.

12 CHAIRPERSON MILLER: I just want  
13 to say for the record, just for the record,  
14 that I didn't say this when we voted on the  
15 offer in compromise. I don't think it was  
16 necessary, but the charge 2 was dropped from  
17 the previous case.

18 MS. GEPHARDT: Yes, I -- yes,  
19 that's correct.

20 CHAIRPERSON MILLER: Okay. All  
21 right. So, in this case, you're -- it's  
22 \$5,000 with that also to be paid on or before

1 August 1st.

2 MR. SLACTER: On -- yes. Yes.

3 CHAIRPERSON MILLER: Okay. And  
4 the days served I assume they will run after  
5 the days that are being served in the previous  
6 case.

7 MS. GEPHARDT: That's correct.

8 CHAIRPERSON MILLER: Okay. Any  
9 other questions?

10 Okay. Mr. Slacter, I want to ask  
11 you again whether for this case you agree to  
12 the offer in compromise of \$5,000 payable on  
13 or before August 1st, license suspended for  
14 ten days, six days served. Is that correct?  
15 Six days are served. Four days stayed.

16 MR. SLACTER: Yes.

17 CHAIRPERSON MILLER: Are there  
18 other days being served or just six days?

19 MS. GEPHARDT: No, just the six  
20 days. There's no trigger from the prior case  
21 because it was already triggered from 00117.

22 CHAIRPERSON MILLER: Right. Okay.

1 And are you agreeable to that?

2 MR. SLACTER: That is acceptable.

3 CHAIRPERSON MILLER: Okay. And  
4 you understand that you waive your right to a  
5 hearing?

6 MR. SLACTER: Yes.

7 CHAIRPERSON MILLER: Okay. Other  
8 questions?

9 MEMBER ALBERTI: I'm assuming the  
10 second charge is being dropped in this case  
11 also. Is that correct, Ms. Gephardt?

12 MS. GEPHARDT: That's correct. I  
13 apologize. That is correct.

14 MEMBER ALBERTI: Okay. And that's  
15 part of the OIC?

16 MS. GEPHARDT: That's part of the  
17 offer in compromise. Yes.

18 MEMBER ALBERTI: Got ya. Thank  
19 you.

20 CHAIRPERSON MILLER: Okay. If  
21 there are no further questions, then I would  
22 move that we accept this offer in compromise

1 of \$5,000 to be paid by August 1st and license  
2 suspended for ten days with six days served,  
3 four days stayed pending -- for a year pending  
4 no further violations and the second charge is  
5 dropped.

6 Do I have a second?

7 MEMBER SILVERSTEIN: Second.

8 CHAIRPERSON MILLER: Mr.

9 Silverstein has seconded the motion. All  
10 those in favor say aye.

11 (Ayes.)

12 CHAIRPERSON MILLER: All those  
13 opposed? All those abstaining? Vote is 5-0-0  
14 then to accept this offer in compromise.

15 Okay. Then that concludes those  
16 cases. Thank you very much.

17 MS. GEPHARDT: Thank you.

18 (Whereupon, at 2:49 p.m., the  
19 hearing was adjourned.)  
20  
21  
22

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