

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
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GR, Inc. t/a Look :
1909 K Street NW : Show
Retailer CR : Cause
License No. 77812 : Hearing
Failed to Meet Food Sales :
Requirements :
Case No. 14-AUD-00023 :
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SEPTEMBER 17, 2014

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Chairperson Ruthanne Miller, presiding.

PRESENT:
RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
JAMES SHORT, Member
HECTOR RODRIGUEZ, Member

ALSO PRESENT:

MAUREEN ZANIEL, District of Columbia

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

2 10:15 a.m.

3 MS. MILLER: Are the parties here
4 for Look? Yeah, okay. So I'm going to call
5 the Look case which is actually scheduled in
6 the afternoon, but I understand that we may be
7 able to take care of this case quickly this
8 morning. It's Case No. 14-AUD-00023 Look,
9 1909 K Street NW, License No. 77812 INANC 2B.
10 Good morning.

11 MR. KLEIN: Good morning. Andrew
12 Klein on behalf of the licensee.

13 MR. KOSIMIDES: Michael Kosimides
14 on behalf of Look.

15 MS. ZANIEL: Maureen Zaniel on
16 behalf of the District of Columbia.

17 MS. MILLER: Okay. This was
18 scheduled for a Show Cause Hearing this
19 afternoon, but do you have some preliminary
20 matters you want to bring to our attention?

21 MS. ZANIEL: We do.

22 MS. MILLER: Okay.

1 MS. ZANIEL: There's been an offer
2 and compromise agreed to and we would
3 recommend that the board adopt it. It
4 consists of a \$3,000 fine, a five-day
5 suspension, all of those five days stayed, and
6 additionally the licensee must file an
7 application to change its license class to a
8 tavern within 30 days of today's order.

9 MS. MILLER: Mr. Klein is your
10 client amenable to this offer and compromise
11 of a \$3,000 fine, five-day suspension, all
12 stayed I assume for one year pending no
13 further violation, and the applicant to change
14 its license class to tavern within 30 days of
15 today's order?

16 MR. KLEIN: Yes. And just like to
17 add a couple of things.

18 MS. MILLER: Okay.

19 MR. KLEIN: One is, I'm sure the
20 board's aware of it, the statute specifically
21 contemplates conversion of the license class
22 is potential remedy that the board could

1 impose after hearings and that's something
2 that is specifically contemplated by the
3 statute. Also, in terms of mitigation during
4 the period that the food sales were the
5 lowest, this establishment was closed for a
6 period of time. So although the food sales
7 looked pretty dreadful with that, it's not
8 quite as bad as it looks. But in any event,
9 the food sales are not being met and this
10 offer and compromise is acceptable.

11 MS. MILLER: Okay. Any questions
12 by board members?

13 MR. ALBERTI: May I have an
14 opportunity to ask a question after -

15 MS. MILLER: After -

16 MR. ALBERTI: We settle - yeah.

17 MS. MILLER: Okay.

18 MR. ALBERTI: This is unrelated to
19 the charge.

20 MS. MILLER: Okay. When is the
21 \$3,000 fine due under the OSE?

22 MR. KLEIN: Within 30 days.

1 MS. MILLER: Within 30 days.

2 MR. KLEIN: And we understand the
3 licensee is reminded that the board's practice
4 is that in the event it's not timely paid that
5 the board's order will provide the license is
6 automatically suspended until payment is made.
7 I understand that that's the board's practice.
8 Go ahead and put that on the record

9 MS. MILLER: Okay.

10 MR. KLEIN: -- for licensee here
11 and we're all very clear on that.

12 MS. MILLER: Great. Okay, we'll
13 add that. Okay, yeah that is the board's
14 practice now. Okay. If there aren't any
15 other comments or questions then, I move that
16 we approve this offer and compromise for a
17 \$3,000 fine to be paid within 30 days and if
18 it's not paid by that 30th day then the
19 license will be suspended until payment of the
20 fine. Also, a five-day suspension, all five
21 days stayed pending no violations for one year
22 and the applicant will change the license

1 class to a tavern within 30 days of today's
2 order. Do I have a second?

3 MR. BROOKS: Second.

4 MR. ALBERTI: Second. Just to be
5 clear for the record, the applicant will file
6 an application for the change of license class
7 within 30 days. Sorry to mince words, but -

8 MS. MILLER: I'll accept that
9 friendly amendment. Okay. Did you second it?
10 Who seconded it?

11 MR. BROOKS: Second.

12 MS. MILLER: Mr. Brooks, okay.

13 MR. BROOKS: Uh-huh.

14 MS. MILLER: All those in favor
15 say aye.

16 GROUP: Aye.

17 MS. MILLER: All those opposing?
18 All those abstaining? Motion passes 4-0-0 and

19 -

20 MR. ALBERTI: May I?

21 MS. MILLER: -- We'll et that.

22 Actually Mr. Alberti has a question or a

1 comment.

2 MR. ALBERTI: Mr. Kosimides, the
3 question is do you have a settlement
4 agreement? And the reason I'm asking is, you
5 know, we've had a previous hearing where a lot
6 of information came out and, you know, based
7 on the information there, it made me ask that
8 question. Do you have a security plan in
9 place?

10 MR. KOSIMIDES: Yes -

11 MR. KLEIN: A security plan we're
12 talking not a settlement agreement?

13 MS. MILLER: Settlement agreement.

14 MR. ALBERTI: Did I say settlement
15 agreement?

16 MR. KLEIN: Yeah.

17 MS. MILLER: Yes.

18 MR. ALBERTI: I'm sorry, yep,
19 sorry. So you do have one in place?

20 MR. KLEIN: Yes.

21 MR. ALBERTI: Excellent. Great.

22 Thank you.

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MR. KLEIN: Thank you.

MR. ALBERTI: Well, we wanted to protest early, you know.

MS. MILLER: Okay. Then that concludes this hearing. Thank you very much.

MS. MILLER: And I'm like to welcome Mr. James Short. Now we have five, okay. All right. I believe that concludes our Status Hearings.

(Whereupon the hearing concluded at 10:22 a.m.)

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