

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
3 ALCOHOLIC BEVERAGE CONTROL BOARD
4

5 - - - - -X

6 IN THE MATTER OF: :
7 Thirteenth Step, LLC t/a :
8 Kitty O'Shea's DC :
9 4624 Wisconsin Avenue NW : Case #15-CMP-00013
10 License #90464 : Case #15-AUD-00047
11 Retailer CR : Show Cause Hearing
12 ANC-3E : (Status)
13 Failed to File Quarterly :
14 Statements (3rd Quarter 2014):
15 and (4th Quarter 2014) :

16 - - - - - X

17 Wednesday, October 7, 2015

18
19 Whereupon, the above-referenced matter
20 came on for hearing at the Alcoholic Beverage
21 Control Board, Reeves Center, 2000 14th Street,
22 N.W., Suite 400S, Washington, D.C. 20009.

1 CHAIRPERSON:

2 RUTHANNE MILLER, Presiding

3

4 BOARD MEMBERS:

5 DONALD BROOKS

6 MICHAEL SILVERSTEIN

7 JAMES SHORT

8 HERMAN JONES

9

10 ALSO PRESENT:

11 MAUREEN ZANIEL, ESQ.,

12 on behalf of District of Columbia

13 NORMAN SUMMERS, General Manager,

14 Kitty O'Shea's

15

16

17

18

19

20

21

22

1

2

P R O C E E D I N G S

3

4

5

6

CHAIRPERSON MILLER: Okay. We have two cases coming up dealing with Kitty O'Shea's DC located at 4624 Wisconsin Avenue, Northwest, License No. 90464.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

The first one is Case No. 15-CMP-00013.

Is anybody here from Kitty O'Shea's?

Okay, sir. Come on forward.

When you're ready, if the parties would introduce themselves for the record.

MS. ZANIEL: Good morning. Maureen Zaniel on behalf of the District of Columbia.

MR. SUMMERS: I'm Norman Summers, here on behalf of Kitty O'Shea's.

CHAIRPERSON MILLER: Gonzalez?

MR. SUMMERS: Say again?

CHAIRPERSON MILLER: Is your last name Gonzalez?

MR. SUMMERS: Summers.

CHAIRPERSON MILLER: Summers. Okay. Mr. Summers. Sorry.

1 And what's your position?

2 MR. SUMMERS: General Manager.

3 CHAIRPERSON MILLER: Okay. And do you
4 have a letter of authorization with you?

5 MR. SUMMERS: I haven't gotten it yet.
6 The owner is recovering from knee surgery out in
7 Washington State, so I've been having a hard time
8 getting in touch with him. He told me to go
9 ahead and settle, though.

10 So I think the information I got from Ms.
11 Phillips was for the two different violations,
12 850 each, a total of 1,700. He'd be willing to
13 pay that.

14 CHAIRPERSON MILLER: First off, Ms.
15 Zaniel, is that what the offer is? Let's say
16 even for the first case. Is there an Offer in
17 Compromise?

18 MS. ZANIEL: Yes. For each of the cases,
19 as Mr. Summers represented, we have agreed to an
20 \$850 fine, both to be paid within 30 days. If
21 not paid within the 30 days, it would result in
22 an automatic suspension of the license.

1 CHAIRPERSON MILLER: Okay. I didn't cite
2 the second case number, and that would be
3 15-AUD-00047.

4 But we do have an issue about
5 authorization.

6 He's in the hospital? Is that what you
7 said?

8 MR. SUMMERS: He's out of the hospital.
9 He's recovering. He had an ACL surgery, so he's
10 -- pain killers and sleep. He's got his family
11 out there, so it's easier for him to recover out
12 there.

13 I can try to get ahold of him today,
14 possibly, and have him fax that to your office.

15 MS. ZANIEL: I would suggest the Board
16 approve the settlement contingent upon his
17 producing a letter authorizing him to bind the
18 licensee within a week, and Board Staff, I'm
19 sure, can tell him where to send that.

20 CHAIRPERSON MILLER: Okay. Do you think
21 you could get a letter -- he could get a letter
22 by the end of this week, or would that be too

1 soon?

2 MR. SUMMERS: I would hope so, yeah. I
3 mean -- yes.

4 CHAIRPERSON MILLER: By Friday, close of
5 business?

6 MR. SUMMERS: I'll light a fire under
7 him.

8 CHAIRPERSON MILLER: Okay.

9 Okay. Then I'm going to move the Board
10 approve the Offer in Compromise of \$850 -- I'm
11 sorry. To be paid within 30 days, is that right?

12 MS. ZANIEL: Yes.

13 CHAIRPERSON MILLER: To be paid within 30
14 days. If not paid within 30 days, the license
15 will be suspended until the payment is made for
16 each case, payment of \$850 for 15-CMP-00013 and
17 payment of \$850 for Case No. 15-CMP-00047, and
18 that a letter from the owner be sent to the Board
19 by close of business Friday.

20 Do I have a second?

21 MR. SHORT: Second.

22 CHAIRPERSON MILLER: Okay. Mr. Short

1 seconded the motion.

2 All those in favor, say "aye."

3 [Chorus of ayes.]

4 CHAIRPERSON MILLER: All those opposed?

5 [No audible response.]

6 CHAIRPERSON MILLER: All those

7 abstaining?

8 [No audible response.]

9 CHAIRPERSON MILLER: Motion passes

10 5-zero-zero.

11 And I assume you may need to talk to

12 somebody about the exact address to send the

13 letter to.

14 MR. SUMMERS: Yeah. I'll talk to Ms.

15 Phillips later.

16 CHAIRPERSON MILLER: Oh, okay. That's

17 good. Thank you.

18 All right. Thank you very much.

19 MR. SILVERSTEIN: Madam Chair?

20 CHAIRPERSON MILLER: Yes.

21 MR. SILVERSTEIN: Payment was due within

22 30 days?

1 CHAIRPERSON MILLER: Yes.

2 [Whereupon, the above-entitled matter
3 concluded.]

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22