

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
 :
Sunshine Bar & Lounge, LLC :
t/a Sunshine Bar & Lounge : Show
7331 Georgia Avenue, NW : Cause
Retailer CR - ANC-4B : Hearing
License No. 85239 :
Case #12-CMP-00054 :
 :
(Failed to Comply With the :
Terms of Board Order No. :
2012-419) :
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November 13, 2013

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 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

MIKE SILVERSTEIN, Member

ALSO PRESENT:

WALTER ADAMS, OAG

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

2 (3:54 p.m.)

3 CHAIRPERSON MILLER: Okay. Now,
4 we are back on the record for Case No. 12-CMP-
5 00054, Sunshine Bar & Lounge, 7331 Georgia
6 Avenue, N.W., License No. 85239, in ANC-4B.

7 Do you want to introduce yourself
8 for the record?

9 MR. ADAMS: Sure.

10 CHAIRPERSON MILLER: Okay.

11 MR. ADAMS: Walter Adams. Good
12 afternoon, Madam Chairman, Members of the
13 Board. Walter Adams representing the District
14 of Columbia.

15 CHAIRPERSON MILLER: Okay. And is
16 anybody here from Sunshine Bar & Lounge?
17 Okay. This case was scheduled for 1:30 p.m.
18 It is now 3:55 p.m. And my understanding is
19 no one has shown up at 1:30 or after for this
20 hearing, for Sunshine Bar & Lounge.

21 MR. ADAMS: That is correct.

22 CHAIRPERSON MILLER: And have you

1 heard from them or anything?

2 MR. ADAMS: I have not heard from
3 this establishment.

4 CHAIRPERSON MILLER: Okay.

5 MR. ADAMS: In quite a while.

6 CHAIRPERSON MILLER: And ABRA
7 hasn't heard from them either, so you can
8 proceed ex-parte.

9 MR. ADAMS: Sure. A point of
10 information, Madam Chairman.

11 CHAIRPERSON MILLER: Okay.

12 MR. ADAMS: Which case is this?
13 What's the case number for what's being called
14 for right now?

15 CHAIRPERSON MILLER: 00054.

16 MR. ADAMS: Okay.

17 CHAIRPERSON MILLER: That's the
18 1:30 one. I know we have a second Sunshine
19 Bar & Lounge scheduled right afterwards.

20 MR. ADAMS: All right. No
21 problem.

22 CHAIRPERSON MILLER: Okay.

1 MR. ADAMS: I would like the
2 Board's indulgence. There is a witness,
3 basically Bill Hager I would like -- I just
4 need to have him come out, since that's going
5 to be the -- since this is the hearing and he
6 will be called first.

7 CHAIRPERSON MILLER: Okay. Okay.
8 She is going to go get him.

9 MR. ADAMS: All right.

10 CHAIRPERSON MILLER: Um-hum.
11 Okay. Great. I'll swear you in right now, I
12 guess.

13 Whereupon,

14 BILL HAGER
15 was called as a witness by Counsel for the
16 Government, and having been first duly sworn,
17 assumed the witness stand and was examined and
18 testified as follows:

19 CHAIRPERSON MILLER: Okay. Mr.
20 Adams are you going to do an opening or are
21 you just going right into your evidence?

22 MR. ADAMS: Yes, the District will

1 waive the opening statement for this case.

2 CHAIRPERSON MILLER: Okay.

3 DIRECT EXAMINATION

4 MR. ADAMS: Mr. Hager, can you,
5 please, state your name and spell it for the
6 record?

7 MR. HAGER: William Hager, H-A-G-
8 E-R.

9 MR. ADAMS: And, Mr. Hager, you
10 are employed by the Alcoholic Beverage
11 Regulation Administration?

12 MR. HAGER: Correct.

13 MR. ADAMS: In what capacity are
14 you employed?

15 MR. HAGER: I'm the Public
16 Information Officer.

17 MR. ADAMS: All right. And as
18 part of your role as a Public Information
19 Officer, do you have any other roles that you
20 have for the Agency?

21 MR. HAGER: One of the functions
22 is that I'm the custodian of the ABRA record.

1 MR. ADAMS: Okay. Of the ABRA
2 record. So that includes keeping -- does that
3 include keeping records of correspondence and
4 payments are made?

5 MR. HAGER: That's correct.

6 MR. ADAMS: All right. Mr. Hager,
7 are you familiar with an establishment that
8 goes by the name of Sunshine Bar & Lounge?

9 MR. HAGER: I am.

10 MR. ADAMS: All right. And how --
11 well, specifically for this matter, are you
12 familiar with the Board's Order from, I guess,
13 2011, 198 -- actually, I would like to present
14 to Mr. Hager the exhibits that are marked as
15 District's Exhibit No. 1. Okay.

16 (Whereupon, the document was
17 marked as Government Exhibit 1 for
18 identification.)

19 MR. ADAMS: Thank you, sir.

20 MR. HAGER: You're welcome.

21 MR. ADAMS: Mr. Hager, I have
22 presented to you two documents. One is an

1 order, Order No. 2012-419. Are you familiar
2 with that order?

3 MR. HAGER: Yes, I am.

4 MR. ADAMS: And are you also
5 familiar with the Notice of Delinquency?

6 MR. HAGER: Yes.

7 MR. ADAMS: Okay. In terms of
8 Order No. 2012-419, what's the subject matter
9 of that order?

10 MR. HAGER: It was ABRA Case No.
11 12-CMP-00054.

12 MR. ADAMS: All right. And
13 specifically, for that case, was there a
14 penalty that was -- or as part of order, was
15 there a penalty that the Board meted upon this
16 establishment?

17 MR. HAGER: Yes there was. In
18 total a fine of \$4,000 with three consecutive
19 days suspension.

20 MR. ADAMS: And so what did -- so
21 in terms of this order, did the -- did your
22 office take any actions or have any other

1 correspondence with the establishment?

2 MR. HAGER: You talking about in
3 relation to the fine payment?

4 MR. ADAMS: Yes, in terms of the
5 fine payment.

6 MR. HAGER: Once it was determined
7 that the fine had not been received, a Notice
8 of Delinquency was sent out demanding payment.

9 MR. ADAMS: Okay. And when was
10 that sent out?

11 MR. HAGER: November 26, 2012.

12 MR. ADAMS: And that's almost a
13 year ago. Is that correct?

14 MR. HAGER: Correct.

15 MR. ADAMS: All right. Since then
16 has ABRA received the payment of \$4,000 from
17 this establishment?

18 MR. HAGER: The fine remains
19 outstanding to date.

20 MR. ADAMS: All right. And has
21 any portion of that payment been made?

22 MR. HAGER: No.

1 MR. ADAMS: All right. The
2 District has no further questions for Mr.
3 Hager.

4 Oh, and I would like to introduce
5 into evidence Exhibit 1.

6 CHAIRPERSON MILLER: Exhibit 1
7 which is?

8 MR. ADAMS: Which is the copy of
9 the Board Order and a Notice of Delinquency.

10 CHAIRPERSON MILLER: Okay.
11 Together in Exhibit 1?

12 MR. ADAMS: Right.

13 CHAIRPERSON MILLER: Okay.

14 MR. ADAMS: Right.

15 CHAIRPERSON MILLER: All right.
16 They are admitted into evidence.

17 (Whereupon, the document marked as
18 Government Exhibit 1 was received
19 in evidence.)

20 MR. ADAMS: The District has no
21 further questions for Mr. Hager regarding this
22 case.

1 CHAIRPERSON MILLER: Any Board
2 questions? No. Thank you very much.

3 MR. HAGER: Thank you.

4 (Whereupon, witness was excused.)

5 MR. ADAMS: And the District rests
6 its case. I guess we are proceeding ex-parte.

7 CHAIRPERSON MILLER: Right.

8 Exactly.

9 MR. ADAMS: Okay.

10 CHAIRPERSON MILLER: Pretty quick.
11 Any closing?

12 MR. ADAMS: Well, I mean, very
13 quickly in terms of closing for this, because
14 I mean, this case -- actually, this was the
15 very first case involving Sunshine Bar &
16 Lounge. And the case was back in 2012. It
17 has been over a year since they have occurred
18 a \$4,000 fine.

19 Obviously, the Board can make --
20 take administrative record that there is
21 another outstanding fine regarding this
22 establishment. At this point, the Board

1 should be able to find that this establishment
2 did -- there is prima facie reason to see that
3 they failed to comply with the Board's Order.

4 Therefore, it being a primary tier
5 offense for their failure to comply with the
6 Board's Order based upon my reading of the
7 establishment's prior history, this would be
8 the establishment's fourth primary tier
9 violation, if the Board so finds that the
10 District has met its burden of proof.

11 CHAIRPERSON MILLER: Okay. Do you
12 want to file proposed findings of fact and
13 conclusions of law?

14 MR. ADAMS: The District will
15 waive proposed findings of fact and
16 conclusions of law.

17 CHAIRPERSON MILLER: Okay.

18 MR. ADAMS: I can always -- never
19 mind, I won't do that.

20 CHAIRPERSON MILLER: Okay. All
21 right. Then the record is closed and we will
22 issue an order within 90 days.

1 And I'm going to hold off reading
2 the instructions on taking the vote on the
3 closed deliberations and do it together for
4 both cases.

5 (Whereupon, the Show Cause Hearing
6 in the above-entitled matter was concluded at
7 4:03 p.m.)

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