

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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JRC Group, LLC :
t/a Old Dominion Brew House :
1219 9th Street, NW :
Retailer CR : Show Cause
License No. 72288 : Hearing
Case No. 11-CMP-00416 :
Failed to File Quarterly :
Statements (2nd Quarter 2011) :
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NOVEMBER 28, 2012

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

PRESENT
RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member

ALSO PRESENT
MICHAEL STERN, OAG

T-A-B-L-E O-F C-O-N-T-E-N-T-S

Opening Statement for the Government.4
Closing Statement of the Government 10

WITNESSES

Adeniyi Adejunmobi.5

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

11:04 a.m.

CHAIRPERSON MILLER: We're back on the record for the last case in the morning, which is a show cause hearing, Case No. 11-CMP-00416, Old Dominion Brew House located at 1219 9th Street, N.W., License No. 72288.

Would the parties introduce themselves for the record, please?

MR. STERN: Michael Stern representing the District of Columbia. Good morning.

CHAIRPERSON MILLER: Good morning. It appears that no one is here for the Licensee.

Mr. Stern, do you have any information whether the Licensee will be coming today?

MR. STERN: I do not other than my note reflects that they did not appear for the status hearing either.

CHAIRPERSON MILLER: Okay. And I

1 have no indication that the office has been
2 contacted by them, so are you ready to
3 proceed?

4 MR. STERN: We are.

5 CHAIRPERSON MILLER: Okay.

6 MR. STERN: By way of opening
7 statement, the District of Columbia's evidence
8 will show that for the time period of April
9 1st, 2011 through June 30th, 2011 the
10 Respondent was scheduled to and required to
11 file a quarterly statement that an audit of
12 the files of the Alcohol Beverage Regulation
13 Administration reveals that the Respondent did
14 not file that in a timely basis. We will ask
15 at the conclusion of the case that the
16 Respondent be found in violation of 25-
17 113(b)(2)(A) and that a fine of \$1,000 be
18 imposed.

19 CHAIRPERSON MILLER: Okay. Good
20 morning. Do you swear to tell the truth, the
21 whole truth, nothing but the truth?

22 MR. ADEJUNMOBI: Yes.

1 CHAIRPERSON MILLER: Thank you.

2 MR. STERN: Good morning. Can you
3 give us your name, please, and spell your last
4 name for the court reporter?

5 MR. ADEJUNMOBI: Adeniyi
6 Adejunmobi, A-D-E-J-U-N-M-O-B-I.

7 MR. STERN: And are you employed?

8 MR. ADEJUNMOBI: Yes, I am.

9 MR. STERN: And by whom are you
10 employed?

11 MR. ADEJUNMOBI: By Alcohol
12 Beverage Regulation Administration,
13 Washington, D.C.

14 MR. STERN: And what are your
15 duties for the Alcohol Beverage Regulation
16 Administration?

17 MR. ADEJUNMOBI: I'm a compliance
18 analyst. I'm --

19 MR. STERN: Okay. I'm sorry.

20 MR. ADEJUNMOBI: I'm a compliance
21 analyst.

22 MR. STERN: Okay. And as a part

1 of your job, do you have access to Government
2 records regarding quarterly reports that are
3 filed?

4 MR. ADEJUNMOBI: Yes.

5 MR. STERN: Okay. Did you become
6 familiar with an establishment known to you
7 are the Old Dominion Brew House?

8 MR. ADEJUNMOBI: Yes.

9 MR. STERN: Okay. Is that the
10 establishment owned by the JRC Group, LLC?

11 MR. ADEJUNMOBI: Yes.

12 MR. STERN: Did you do a search of
13 the records of the Alcohol Beverage Regulation
14 Administration regarding the 2011 quarter from
15 April 1 through June 30th?

16 MR. ADEJUNMOBI: Yes.

17 MR. STERN: And what did that
18 search reveal?

19 MR. ADEJUNMOBI: The search
20 revealed that Old Dominion, License No. 72288,
21 did not file the quarterly statement on time.

22 MR. STERN: Okay. When was the

1 quarterly statement due?

2 MR. ADEJUNMOBI: The quarterly
3 statement was due July 30th, 2011.

4 MR. STERN: Okay. And when if at
5 all was the quarterly statement filed?

6 MR. ADEJUNMOBI: The quarterly
7 statement was filed September 7th, 2011.

8 MR. STERN: Thank you. No further
9 questions.

10 CHAIRPERSON MILLER: Board
11 questions?

12 (No audible response.)

13 CHAIRPERSON MILLER: I'm sorry,
14 could you tell me July what? What was the due
15 date?

16 MR. ADEJUNMOBI: July 30th, 2011
17 due date.

18 CHAIRPERSON MILLER: July 28?

19 MR. ADEJUNMOBI: No, 30. Three,
20 zero.

21 CHAIRPERSON MILLER: Three, zero?
22 Okay.

1 MR. ADEJUNMOBI: That was the due
2 date.

3 CHAIRPERSON MILLER: That was the
4 due date? Okay. And it was filed?

5 MR. ADEJUNMOBI: September 7th,
6 2011.

7 CHAIRPERSON MILLER: Okay. Do you
8 have any information whether the Agency
9 contacted the Licensee after the due date, or
10 if anything in particular prompted the filing
11 on the 7th?

12 MR. ADEJUNMOBI: No, ma'am.

13 CHAIRPERSON MILLER: Okay. You
14 just know that the date it was due and the
15 date it was filed?

16 MR. ADEJUNMOBI: Yes.

17 CHAIRPERSON MILLER: Okay. Yes,
18 Mr. Alberti?

19 MEMBER ALBERTI: Yes, Mr.
20 Adejunmobi, my notes show that the Licensee
21 was issued a citation. Are you aware of that?

22 MR. ADEJUNMOBI: No, I'm not.

1 MEMBER ALBERTI: Okay.

2 CHAIRPERSON MILLER: Other
3 questions?

4 (No audible response.)

5 CHAIRPERSON MILLER: Mr. Stern, do
6 you have any follow up?

7 MR. STERN: I have no follow up.
8 I would ask the Board to take judicial notice
9 of the case report which includes a citation
10 which was issued to the establishment. It
11 looks like it was 7 -- maybe 18. It's very
12 hard to read on my copy. You may have the
13 original in your copy.

14 CHAIRPERSON MILLER: This is
15 attached to the investigative report?

16 MR. STERN: Yes, Exhibit 1 to the
17 investigative report.

18 CHAIRPERSON MILLER: It is hard to
19 read, yes.

20 MEMBER ALBERTI: Oh, right there.

21 CHAIRPERSON MILLER: Okay.

22 MR. STERN: Actually it's relevant

1 to whether they are not responsible or not
2 responsible, but it is just in response to
3 Board Member Alberti's question.

4 MEMBER ALBERTI: Thank you, Mr.
5 Stern.

6 CHAIRPERSON MILLER: Okay.

7 MR. STERN: In closing, the
8 District of Columbia believes that we have
9 proven that the establishment was required to
10 file a quarterly report, that they did not
11 file it in a timely basis and that they have
12 violated Official Code 25-113(b)(2)(A).

13 I would add that the investigative
14 history of this establishment reveals that in
15 2007 they had a prior violation. There is
16 also a pending violation of the same thing
17 which has not been presented to the Board yet,
18 or at least has not been papered by the Office
19 of the Attorney General yet. But I think it
20 shows a pattern of their refusal to
21 acknowledge their responsibilities. That,
22 combined with the fact that they did not

1 appear for either the status or the trial in
2 this case, leads the District of Columbia to
3 request that there be a \$1,000 fine imposed
4 for this violation. Thank you.

5 CHAIRPERSON MILLER: Okay. Thank
6 you very much. I think that's --

7 MR. STERN: We waive findings of
8 fact and conclusions of law.

9 CHAIRPERSON MILLER: Okay. Good.
10 Thank you very much.

11 MR. STERN: Okay.

12 CHAIRPERSON MILLER: Then this
13 hearing is concluded. And I'm just going to
14 read the Open Meeting instructions for this
15 case and the previous cause hearing that we
16 had before our recess.

17 As Chairperson of the Alcoholic
18 Beverage Control Board for the District of
19 Columbia and in accordance with Section 405 of
20 the Open Meetings Amendment Act of 2010, I
21 move that the ABC Board hold a closed meeting
22 for the purpose of seeking legal advice from

1 our counsel on Case No. 11-CMP-00416, Old
2 Dominion Brew House, and Case No. 11-CMP-
3 00141, Sierra Catering per Section 405(b)(4)
4 of the Open Meetings Amendment Act of 2010 and
5 deliberating upon these cases for the reasons
6 cited in Section 405(b)(13) of the Open
7 Meetings Amendment Act of 2010.

8 Is there a second?

9 MEMBER BROOKS: Second.

10 CHAIRPERSON MILLER: Mr. Brooks
11 has seconded the motion and I'll take a roll
12 call vote. Mr. Brooks?

13 MEMBER BROOKS: I agree.

14 CHAIRPERSON MILLER: Mr. Alberti?

15 MEMBER ALBERTI: I agree.

16 CHAIRPERSON MILLER: Ms. Miller
17 agrees. Mr. Silverstein?

18 MEMBER SILVERSTEIN: I agree.

19 CHAIRPERSON MILLER: It appears
20 that the motion has passed by a 4-0-0 vote.
21 I hereby give notice that the ABC Board will
22 hold a closed meeting in the ABC Board

1 conference room today pursuant to the Open
2 Meetings Amendment Act of 2010 and issue
3 orders within 90 days.

4 Thank you very much and I believe
5 that concludes this morning's hearings.

6 (Whereupon, the hearing was
7 concluded at 11:13 a.m.)

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