



**ALSO PRESENT:**

**FERNANDO RIVERO, DC OAG**

**SIDON YOHANNES, Licensee's Counsel**

**SHANI PACE, Licensee**

**ROY ELLIS, Licensee**

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

2 10:20 a.m.

3 CHAIRPERSON ANDERSON: All right.

4 We're back on the record. Our next case is case  
5 number -- we have a Show Cause Hearing, Case No.  
6 17-CMP-00684, Howard Theatre, License No. 88646.

7 Will the parties, please, approach and  
8 identify themselves for the record, please?

9 MR. RIVERO: Good morning, Board  
10 Members. Fernando Rivero for the District of  
11 Columbia.

12 CHAIRPERSON ANDERSON: Good morning,  
13 Mr. Rivero.

14 MS. YOHANNES: Good morning. Sidon  
15 Yohannes on behalf of the licensee.

16 CHAIRPERSON ANDERSON: Good morning,  
17 Ms. Yohannes.

18 MS. PACE: Shani Pace with the Howard  
19 Theatre.

20 CHAIRPERSON ANDERSON: Good morning,  
21 Ms. Pace.

22 MR. ELLIS: Roy Ellis with Howard

1 Theatre Entertainment.

2 CHAIRPERSON ANDERSON: Good morning,  
3 Mr. Ellis.

4 Are there any preliminary matters in  
5 this case?

6 MR. RIVERO: Yes, there are. The  
7 parties have an Offer in Compromise to present to  
8 the Board, at this time. And that offer consists  
9 of a fine of \$4,500 payable in 60 days. And if  
10 the fine is not paid in 60 days, the license will  
11 be suspended until the payment is received. That  
12 is the offer.

13 CHAIRPERSON ANDERSON: All right.  
14 Good morning, Ms. Yohannes. It's my  
15 understanding that there is an Offer in  
16 Compromise and the Offer in Compromise is that  
17 there is a fine of \$4,500 payable in 60 days. If  
18 the fine is not payable in 60 days, the license  
19 will be suspended until the fine has been paid.

20 Is this your understanding of the  
21 Offer in Compromise?

22 MS. YOHANNES: Yes.

1 CHAIRPERSON ANDERSON: And does your  
2 client -- is your client aware that by accepting  
3 an Offer in Compromise, that they are giving up  
4 their right to a hearing?

5 MS. YOHANNES: Yes.

6 CHAIRPERSON ANDERSON: And is your  
7 client aware that by accepting this Offer in  
8 Compromise, that they are giving up their right  
9 to appeal this matter?

10 MS. YOHANNES: Yes.

11 CHAIRPERSON ANDERSON: Hearing so, I  
12 then make a motion that the Offer in Compromise  
13 of a fine of \$4,500 be accepted payable in 60  
14 days. If the fine is not payable in 60 days, the  
15 license will be suspended.

16 Is there a second?

17 MEMBER SHORT: Second.

18 CHAIRPERSON ANDERSON: Mr. Short has  
19 seconded the motion. Any questions by any Board  
20 Members?

21 Hearing none, all those in favor say  
22 aye.

1 ALL: Aye.

2 CHAIRPERSON ANDERSON: Those opposed?

3 The matter passes 5-0-0.

4 Thank you very much. We will have you  
5 sign-off on this Offer in Compromise.

6 And just as an aside, this is now the  
7 third primary tier violation for this  
8 establishment. And I would hope that you explain  
9 to your client what it means that they have now  
10 accumulated three primary tier violations, that  
11 they are going down a slippery road, that the law  
12 establishes certain guidelines that what happens  
13 next. All right. That's all I have to say.

14 MS. YOHANNES: Thank you.

15 CHAIRPERSON ANDERSON: You're welcome.

16 (Whereupon, the Show Cause Hearing was  
17 concluded at 10:23 a.m.)

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<b>A</b>	<b>explain</b> 6:8	<b>O</b>	<b>Theatre</b> 1:6,7 3:6,19 4:1 <b>third</b> 6:7 <b>three</b> 6:10 <b>tier</b> 6:7,10
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Howard Theatre

Before: DCABRA

Date: 06-27-18

Place: Washington, DC

was duly recorded and accurately transcribed under  
my direction; further, that said transcript is a  
true and accurate record of the proceedings.



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Court Reporter

**NEAL R. GROSS**

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