

Capital Reporting Company  
In the Matter of: Apple Hospitality, LLC t/a Lincoln 09-12-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :  
 :  
Apple Hospitality, LLC :  
t/a Lincoln :  
1110 Vermont Ave, NW :  
Retailer CR : Show Cause  
License No. 86125 : Hearing  
ANC 2F :  
Case No. 12-CMP-00073 :  
Failed to Obtain an :  
Entertainment Endorsement; :  
Failed to Post Pregnancy Sign; :  
Failed to Post Notice of Legal :  
Drinking Age :  
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September 12, 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  
HERMAN JONES, Member  
CALVIN NOPHLIN, Member  
MIKE SILVERSTEIN, Member

ALSO PRESENT

MAUREEN ZANIEL, OAG

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

2 12:07 p.m.

3 CHAIRPERSON MILLER: That case -- and let me  
4 call it -- Case No. 12-CMP-00073, Lincoln, located at  
5 1110 Vermont Avenue, N.W., License No. 86125, in ANC  
6 2F.

7 You would introduce yourselves for the record  
8 and sign in?

9 MS. ZANIEL: Good afternoon. Maureen Zaniel  
10 on behalf of the District.

11 CHAIRPERSON MILLER: Okay.

12 MR. POPOVSKY: Alan Popovsky on behalf of  
13 Apple Hospitality, Lincoln Restaurant.

14 CHAIRPERSON MILLER: All right. This is --  
15 you're scheduled for a show cause hearing. But I heard  
16 you may have a preliminary matter.

17 MS. ZANIEL: We do. We managed --

18 CHAIRPERSON MILLER: Okay.

19 MS. ZANIEL: -- to reach a compromise that we  
20 would recommend that the Board approve. And the  
21 compromise is the following: that as to Charge 1,  
22 Lincoln would be fined \$750; as to Charge 2, Lincoln

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1 would be fined \$100 and that's the maximum allowed by  
2 statute. And with respect to Charge 3, the fine would  
3 be \$500 for a total of \$1350 to be paid within 30 days.

4 CHAIRPERSON MILLER: Okay. Mr. Popovsky, I  
5 just want to repeat it and make sure you agree to the  
6 offer in compromise that's being offered. Charge -- a  
7 penalty for Charge 1 of \$750, for Charge 2, \$100, for  
8 Charge 3, \$500, totaling \$1350 to be paid within 30  
9 days?

10 MR. POPOVSKY: Yes.

11 CHAIRPERSON MILLER: Okay.

12 MR. POPOVSKY: I'd agree.

13 CHAIRPERSON MILLER: And you understand that  
14 you waive your right to a hearing if you accept --

15 MR. POPOVSKY: Yes.

16 CHAIRPERSON MILLER: -- this offer?

17 MR. POPOVSKY: Yes.

18 CHAIRPERSON MILLER: Okay. Any questions  
19 from Board members?

20 (No audible response.)

21 CHAIRPERSON MILLER: All right then. Then I  
22 would move that the Board accept this offer in

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1 compromise.

2 MR. NOPHLIN: Second.

3 CHAIRPERSON MILLER: Okay. Would -- all  
4 right. The motion's been seconded by Mr. Nophlin as for  
5 Charge 1, \$750; Charge 2, \$100; Charge 3, \$500;  
6 totaling \$1350 to be paid within 30 days.

7 All those in favor, say aye?

8 (Chorus of ayes.)

9 CHAIRPERSON MILLER: All those opposed?

10 (No audible response.)

11 CHAIRPERSON MILLER: Okay. Then the vote is  
12 5- 0-0 to accept the offer in compromise. Thank you.

13 MS. ZANIEL: Thank you and thanks for taking  
14 us out of turn.

15 CHAIRPERSON MILLER: Okay.

16 MR. POPOVSKY: Thank you very much.

17 (WHEREUPON, at 12:09 p.m., the hearing was  
18 concluded.)

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1 CERTIFICATE OF NOTARY PUBLIC

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3 I, ERICK McNAIR, the officer before whom the  
4 foregoing hearing was taken, do hereby certify that the  
5 testimony appearing in the foregoing transcript was  
6 recorded by me and thereafter reduced to typewriting  
7 under my direction; that said transcription is a true  
8 record of the testimony given by said parties; that I  
9 am neither counsel for, related to, nor employed by any  
10 of the parties to the action in which this was taken;  
11 and, further, that I am not a relative or employee of  
12 any counsel or attorney employed by the parties hereto,  
13 nor financially or otherwise interested in the outcome  
14 of this action.

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ERICK McNAIR

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Notary Public in and for the

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District of Columbia

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My Commission Expires: July 14, 2016

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CERTIFICATE OF TRANSCRIPTION

I, MIRANDA PENNACHI, hereby certify that I am not the Court Reporter who reported the following proceeding and that I have typed the transcript of this proceeding using the Court Reporter's notes and recordings. The foregoing/attached transcript is a true, correct and complete transcription of said proceeding.

\_\_\_\_\_

Date

\_\_\_\_\_

MIRANDA PENNACHI

Transcriptionist

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<hr/> <p style="text-align: center;">\$</p> <hr/> <p><b>\$100</b> 3:1,7 4:5</p> <p><b>\$1350</b> 3:3,8 4:6</p> <p><b>\$500</b> 3:3,8 4:5</p> <p><b>\$750</b> 2:22 3:7 4:5</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p><b>0-0</b> 4:12</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p><b>1</b> 2:21 3:7 4:5</p> <p><b>1110</b> 1:6 2:5</p> <p><b>12</b> 1:13</p> <p><b>12:07</b> 2:2</p> <p><b>12:09</b> 4:17</p> <p><b>12-CMP-00073</b> 1:8 2:4</p> <p><b>14</b> 5:22</p> <p><b>14th</b> 1:15</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p><b>2</b> 2:22 3:7 4:5</p> <p><b>2000</b> 1:15</p> <p><b>2012</b> 1:13</p> <p><b>2016</b> 5:22</p> <p><b>2F</b> 1:8 2:6</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p><b>3</b> 3:2,8 4:5</p> <p><b>30</b> 3:3,8 4:6</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p><b>5</b> 4:12</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p><b>86125</b> 1:7 2:5</p>	<hr/> <p style="text-align: center;">A</p> <hr/> <p><b>accept</b> 3:14,22 4:12</p> <p><b>action</b> 5:10,14</p> <p><b>afternoon</b> 2:9</p> <p><b>Age</b> 1:11</p> <p><b>Alan</b> 2:12</p> <p><b>ALBERTI</b> 1:19</p> <p><b>Alcoholic</b> 1:2,14,15</p> <p><b>allowed</b> 3:1</p> <p><b>am</b> 5:9,11 6:3</p> <p><b>ANC</b> 1:8 2:5</p> <p><b>appearing</b> 5:5</p> <p><b>Apple</b> 1:5 2:13</p> <p><b>approve</b> 2:20</p> <p><b>attorney</b> 5:12</p> <p><b>audible</b> 3:20 4:10</p> <p><b>Ave</b> 1:6</p> <p><b>Avenue</b> 2:5</p> <p><b>aye</b> 4:7</p> <p><b>ayes</b> 4:8</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p><b>behalf</b> 2:10,12</p> <p><b>Beverage</b> 1:2,14,15</p> <p><b>Board</b> 1:2,15 2:20 3:19,22</p> <p><b>BROOKS</b> 1:19</p> <p><b>Building</b> 1:15</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p><b>CALVIN</b> 1:20</p> <p><b>case</b> 1:8 2:3,4</p>	<p><b>cause</b> 1:7 2:15</p> <p><b>CERTIFICATE</b> 5:1 6:1</p> <p><b>certify</b> 5:4 6:3</p> <p><b>Chairperson</b> 1:16,18 2:3,11,14,18 3:4,11,13,16,18, 21 4:3,9,11,15</p> <p><b>Charge</b> 2:21,22 3:2,6,7,8 4:5</p> <p><b>Chorus</b> 4:8</p> <p><b>Columbia</b> 1:1 5:21</p> <p><b>Commission</b> 5:22</p> <p><b>complete</b> 6:8</p> <p><b>compromise</b> 2:19,21 3:6 4:1,12</p> <p><b>concluded</b> 4:18</p> <p><b>Control</b> 1:2,14,15</p> <p><b>correct</b> 6:8</p> <p><b>counsel</b> 5:9,12</p> <p><b>Court</b> 6:4,6</p> <p><b>CR</b> 1:7</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p><b>D.C</b> 1:16</p> <p><b>Date</b> 6:13</p> <p><b>days</b> 3:3,9 4:6</p> <p><b>direction</b> 5:7</p> <p><b>District</b> 1:1 2:10 5:21</p> <p><b>DONALD</b> 1:19</p> <p><b>Drinking</b> 1:11</p> <hr/> <p style="text-align: center;">E</p> <hr/>	<p><b>employed</b> 5:9,12</p> <p><b>employee</b> 5:11</p> <p><b>Endorsement</b> 1:9</p> <p><b>Entertainment</b> 1:9</p> <p><b>ERICK</b> 5:3,19</p> <p><b>Expires</b> 5:22</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p><b>Failed</b> 1:9,10</p> <p><b>favor</b> 4:7</p> <p><b>financially</b> 5:13</p> <p><b>fine</b> 3:2</p> <p><b>fined</b> 2:22 3:1</p> <p><b>foregoing</b> 5:4,5</p> <p><b>foregoing/ attached</b> 6:7</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p><b>given</b> 5:8</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p><b>heard</b> 2:15</p> <p><b>hearing</b> 1:7,15 2:15 3:14 4:17 5:4</p> <p><b>hereby</b> 5:4 6:3</p> <p><b>hereto</b> 5:12</p> <p><b>HERMAN</b> 1:20</p> <p><b>Hospitality</b> 1:5 2:13</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p><b>I'd</b> 3:12</p> <p><b>interested</b> 5:13</p> <p><b>introduce</b> 2:7</p> <hr/> <p style="text-align: center;">J</p> <hr/>
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<p><b>JONES</b> 1:20  <b>July</b> 5:22</p> <hr/> <p style="text-align: center;"><b>L</b></p> <hr/> <p><b>Legal</b> 1:10  <b>License</b> 1:7 2:5  <b>Lincoln</b> 1:6          2:4,13,22  <b>LLC</b> 1:5  <b>located</b> 2:4</p> <hr/> <p style="text-align: center;"><b>M</b></p> <hr/> <p><b>managed</b> 2:17  <b>matter</b> 1:4 2:16  <b>Maureen</b> 1:22 2:9  <b>maximum</b> 3:1  <b>may</b> 2:16  <b>McNAIR</b> 5:3,19  <b>MEETING</b> 1:3  <b>Member</b>          1:19,20,21  <b>members</b> 3:19  <b>met</b> 1:15  <b>MIKE</b> 1:21  <b>Miller</b> 1:16,18          2:3,11,14,18          3:4,11,13,16,18,          21 4:3,9,11,15  <b>MIRANDA</b> 6:3,13  <b>motion's</b> 4:4  <b>move</b> 3:22</p> <hr/> <p style="text-align: center;"><b>N</b></p> <hr/> <p><b>N.W</b> 1:15 2:5  <b>neither</b> 5:9  <b>NICK</b> 1:19</p>	<p><b>Nophlin</b> 1:20 4:2,4  <b>nor</b> 5:9,13  <b>Notary</b> 5:1,20  <b>notes</b> 6:6  <b>Notice</b> 1:10  <b>NW</b> 1:6</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>OAG</b> 1:22  <b>Obtain</b> 1:9  <b>offer</b> 3:6,16,22          4:12  <b>offered</b> 3:6  <b>officer</b> 5:3  <b>opposed</b> 4:9  <b>otherwise</b> 5:13  <b>outcome</b> 5:13</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>p.m</b> 2:2 4:17  <b>paid</b> 3:3,8 4:6  <b>parties</b> 5:8,10,12  <b>penalty</b> 3:7  <b>PENNACHI</b>          6:3,13  <b>Popovsky</b> 2:12          3:4,10,12,15,17          4:16  <b>Post</b> 1:10  <b>Pregnancy</b> 1:10  <b>preliminary</b> 2:16  <b>PRESENT</b>          1:18,22  <b>presiding</b> 1:16  <b>proceeding</b> 6:5,6,9</p>	<p><b>Public</b> 5:1,20</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p><b>questions</b> 3:18</p> <hr/> <p style="text-align: center;"><b>R</b></p> <hr/> <p><b>reach</b> 2:19  <b>recommend</b> 2:20  <b>record</b> 2:7 5:8  <b>recorded</b> 5:6  <b>recordings</b> 6:7  <b>reduced</b> 5:6  <b>Reeves</b> 1:15  <b>related</b> 5:9  <b>relative</b> 5:11  <b>repeat</b> 3:5  <b>reported</b> 6:4  <b>Reporter</b> 6:4  <b>Reporter's</b> 6:6  <b>respect</b> 3:2  <b>response</b> 3:20 4:10  <b>Restaurant</b> 2:13  <b>Retailer</b> 1:7  <b>Room</b> 1:15  <b>Ruthanne</b> 1:16,18</p> <hr/> <p style="text-align: center;"><b>S</b></p> <hr/> <p><b>scheduled</b> 2:15  <b>Second</b> 4:2  <b>seconded</b> 4:4  <b>September</b> 1:13  <b>sign</b> 1:10 2:8  <b>SILVERSTEIN</b>          1:21  <b>statute</b> 3:2</p>	<p><b>Street</b> 1:15  <b>sure</b> 3:5</p> <hr/> <p style="text-align: center;"><b>T</b></p> <hr/> <p><b>t/a</b> 1:6  <b>taking</b> 4:13  <b>testimony</b> 5:5,8  <b>Thank</b> 4:12,13,16  <b>thanks</b> 4:13  <b>that's</b> 3:1,6  <b>thereafter</b> 5:6  <b>total</b> 3:3  <b>totaling</b> 3:8 4:6  <b>transcript</b> 5:5          6:5,7  <b>transcription</b> 5:7          6:1,8  <b>Transcriptionist</b>          6:14  <b>true</b> 5:7 6:8  <b>turn</b> 4:14  <b>typed</b> 6:5  <b>typewriting</b> 5:6</p> <hr/> <p style="text-align: center;"><b>U</b></p> <hr/> <p><b>understand</b> 3:13</p> <hr/> <p style="text-align: center;"><b>V</b></p> <hr/> <p><b>Vermont</b> 1:6 2:5  <b>vote</b> 4:11</p> <hr/> <p style="text-align: center;"><b>W</b></p> <hr/> <p><b>waive</b> 3:14  <b>Washington</b> 1:16  <b>WHEREUPON</b>          4:17</p>
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<p><b>whom</b> 5:3</p> <hr/> <p>Y</p> <hr/> <p><b>yourselves</b> 2:7</p> <hr/> <p>Z</p> <hr/> <p><b>Zaniel</b> 1:22 2:9,17,19 4:13</p>			
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