

Capital Reporting Company  
In the Matter of: Love Des, LLC t/a Love 10-24-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :  
 :  
Love Des, LLC :  
t/a Love :  
1350 Okie Street, NE :  
Retailer CN :  
License No. 84726 : Show Cause  
ANC 5B : Hearing  
Case No. 12-251-00100 :  
Allowed the Establishment to be :  
Used for an Unlawful or :  
Disorderly Purpose; Failed to :  
Comply with Security Plan :  
-----x

October 24, 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

MICHAEL STERN, OAG

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<p style="text-align: right;">2</p> <p style="text-align: center;">P R O C E E D I N G S</p> <p style="text-align: center;">11:01 a.m.</p> <p>CHAIRPERSON MILLER: Okay. We're back on the record -- it's 11:01 -- for show cause hearing Case No. 12-251-00100, Love, located at 1350 Okie Street, N.E., License No. 84726, in ANC 5B. Would the parties introduce themselves for the record?</p> <p>MR. STERN: Yes. Michael Stern representing the District of Columbia.</p> <p>CHAIRPERSON MILLER: Good morning. It appears that no one is here right now for the Licensee. Mr. Stern, do you have anything to report to the Board?</p> <p>MR. STERN: Yes. Well, one is -- I know the Board is aware that I understand the Licensee has been running late. But -- and this -- I just have to apologize to the Board. I have to ask for a continuance in this matter. This was -- is -- quite frankly, it's just my fault. I was on vacation last week. When I came in Monday, I looked at the calendar and I misread it.</p> <p>I thought for sure this was a status hearing. That's not an excuse. It's just the reason for what</p>	<p style="text-align: right;">4</p> <p>1 move that we continue this to November 7th at 11:00 a.m.</p> <p>2 Do I have a second?</p> <p>3 MR. NOPHLIN: Second.</p> <p>4 CHAIRPERSON MILLER: Any other comments? All those in --</p> <p>5 MR. ALBERTI: I just --</p> <p>6 CHAIRPERSON MILLER: Yes.</p> <p>7 MR. ALBERTI: -- want to say, I appreciate you accepting responsibility for this, Mr. Stern.</p> <p>8 Thank you.</p> <p>9 MR. STERN: Yeah, not a problem.</p> <p>10 MR. ALBERTI: That's all.</p> <p>11 CHAIRPERSON MILLER: Okay. As the motion has been seconded, all those in favor, say aye?</p> <p>12 (Chorus of ayes.)</p> <p>13 CHAIRPERSON MILLER: All those opposed?</p> <p>14 (No audible response.)</p> <p>15 CHAIRPERSON MILLER: All those abstaining?</p> <p>16 (No audible response.)</p> <p>17 CHAIRPERSON MILLER: The vote is 6-0-0 to continue the case. Thank you very much.</p>
<p style="text-align: right;">3</p> <p>1 happened. I didn't contact the investigator involved to make sure he was going to be here to attend the hearing. And he was on midnight duty last night and he can't be reached this morning. I found out when I got here obviously that I had made the mistake. We tried to reach him. He wasn't reachable.</p> <p>So I need to ask the Board to continue the matter. I understand there's an available time on November 7th if the Board is amenable to that. I --</p> <p>CHAIRPERSON MILLER: Have you -- have you asked the Licensee if they have an objection to a continuance?</p> <p>MR. STERN: I have not had (inaudible) here but I haven't been able to contact him. I mean, I didn't know this was going to be necessary until this morning and I haven't had any contact with him --</p> <p>CHAIRPERSON MILLER: Okay, okay. Are there any other questions from the Board members? All right.</p> <p>Well, given that there is a slot very soon, November 7th, at 11:00 a.m. and the Licensee also is not present to participate in the case right now, then I would be inclined to grant the motion for continuance. So I</p>	<p style="text-align: right;">5</p> <p>1 MR. STERN: Thank you, members of the Board. I believe that is all for today.</p> <p>2 CHAIRPERSON MILLER: Okay. The Board does not have any other matters on its morning calendar. So we will recess, excuse me.</p> <p>3 (WHEREUPON, at 11:04 a.m., the hearing was concluded.)</p>

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1            CERTIFICATE OF NOTARY PUBLIC

2  
3        I, LINDA METCALF, the officer before whom the  
4 foregoing hearing was taken, do hereby certify that the  
5 testimony appearing in the foregoing pages was recorded  
6 by me and thereafter reduced to typewriting under my  
7 direction; that said transcription is a true record of  
8 the testimony given by said parties; that I am neither  
9 counsel for, related to, nor employed by any of the  
10 parties to the action in which this hearing 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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LINDA METCALF  
Notary Public in and for the  
District of Columbia

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1            CERTIFICATE OF TRANSCRIPTION

2  
3        I, MIRANDA PENNACHI, hereby certify that I am not  
4 the Court Reporter who reported the proceeding and that  
5 I have typed the transcript of the proceeding using the  
6 Court Reporter's notes and recordings. The  
7 foregoing/attached transcript is a true, correct and  
8 complete transcription of the proceedings.

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Date            MIRANDA PENNACHI  
                  Transcriptionist

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<hr/> <p style="text-align: center;">1</p> <hr/> <p><b>11:00</b> 3:20 4:1  <b>11:01</b> 2:2,4  <b>11:04</b> 5:6  <b>12-251-00100</b> 1:8      2:5  <b>1350</b> 1:6 2:5  <b>14th</b> 1:14</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p><b>2000</b> 1:14  <b>2012</b> 1:12  <b>24</b> 1:12</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p><b>5B</b> 1:8 2:6</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p><b>6-0-0</b> 4:21</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p><b>7th</b> 3:9,20 4:1</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p><b>84726</b> 1:7 2:6</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p><b>a.m</b> 2:2 3:20 4:2      5:6  <b>able</b> 3:14  <b>abstaining</b> 4:19  <b>accepting</b> 4:10  <b>action</b> 6:10,14  <b>ALBERTI</b> 1:18      4:7,9,13  <b>Alcoholic</b>      1:2,13,14</p>	<p><b>Allowed</b> 1:9  <b>am</b> 6:8,11 7:3  <b>amenable</b> 3:9  <b>ANC</b> 1:8 2:6  <b>anything</b> 2:12  <b>apologize</b> 2:16  <b>appearing</b> 6:5  <b>appears</b> 2:11  <b>appreciate</b> 4:9  <b>attend</b> 3:2  <b>attorney</b> 6:12  <b>audible</b> 4:18,20  <b>available</b> 3:8  <b>aware</b> 2:14  <b>aye</b> 4:15  <b>ayes</b> 4:16</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p><b>believe</b> 5:2  <b>Beverage</b>      1:2,13,14  <b>Board</b> 1:2,14      2:12,14,16      3:7,9,18 5:1,3  <b>BROOKS</b> 1:18  <b>Building</b> 1:14</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p><b>calendar</b> 2:19 5:4  <b>CALVIN</b> 1:19  <b>case</b> 1:8 2:4 3:21      4:22  <b>cause</b> 1:7 2:4  <b>CERTIFICATE</b>      6:1 7:1</p>	<p><b>certify</b> 6:4 7:3  <b>Chairperson</b>      1:15,17 2:3,10      3:10,17      4:5,8,14,17,19,2      1 5:3  <b>Chorus</b> 4:16  <b>CN</b> 1:7  <b>Columbia</b> 1:1 2:9      6:20  <b>comments</b> 4:5  <b>complete</b> 7:8  <b>Comply</b> 1:10  <b>concluded</b> 5:7  <b>contact</b> 3:1,14,16  <b>continuance</b> 2:17      3:12,22  <b>continue</b> 3:7      4:1,22  <b>Control</b> 1:2,13,14  <b>correct</b> 7:7  <b>counsel</b> 6:9,12  <b>Court</b> 7:4,6</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p><b>D.C</b> 1:15  <b>Date</b> 7:14  <b>Des</b> 1:5  <b>direction</b> 6:7  <b>Disorderly</b> 1:10  <b>District</b> 1:1 2:9      6:20  <b>DONALD</b> 1:18  <b>duty</b> 3:3</p> <hr/> <p style="text-align: center;">E</p> <hr/>	<p><b>employed</b> 6:9,12  <b>employee</b> 6:11  <b>Establishment</b> 1:9  <b>excuse</b> 2:22 5:5</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p><b>Failed</b> 1:10  <b>fault</b> 2:18  <b>favor</b> 4:15  <b>financially</b> 6:13  <b>foregoing</b> 6:4,5  <b>foregoing/      attached</b> 7:7  <b>frankly</b> 2:18</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p><b>given</b> 3:19 6:8  <b>grant</b> 3:22</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p><b>happened</b> 3:1  <b>haven't</b> 3:14,16  <b>hearing</b> 1:8,14      2:4,21 3:3 5:6      6:4,10  <b>hereby</b> 6:4 7:3  <b>hereto</b> 6:12  <b>HERMAN</b> 1:19</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p><b>inaudible</b> 3:13  <b>inclined</b> 3:22  <b>interested</b> 6:13  <b>introduce</b> 2:7  <b>investigator</b> 3:1  <b>involved</b> 3:1</p>
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<p><b>it's</b> 2:4,18,22</p> <hr/> <p style="text-align: center;"><b>J</b></p> <hr/> <p><b>JONES</b> 1:19</p> <hr/> <p style="text-align: center;"><b>L</b></p> <hr/> <p><b>last</b> 2:18 3:3</p> <p><b>late</b> 2:15</p> <p><b>License</b> 1:7 2:6</p> <p><b>Licensee</b> 2:11,14 3:11,20</p> <p><b>LINDA</b> 6:3,18</p> <p><b>LLC</b> 1:5</p> <p><b>located</b> 2:5</p> <p><b>Love</b> 1:5,6 2:5</p> <hr/> <p style="text-align: center;"><b>M</b></p> <hr/> <p><b>matter</b> 1:4 2:17 3:8</p> <p><b>matters</b> 5:4</p> <p><b>mean</b> 3:14</p> <p><b>MEETING</b> 1:3</p> <p><b>Member</b> 1:18,19,20</p> <p><b>members</b> 3:18 5:1</p> <p><b>met</b> 1:14</p> <p><b>METCALF</b> 6:3,18</p> <p><b>Michael</b> 1:21 2:8</p> <p><b>midnight</b> 3:3</p> <p><b>MIKE</b> 1:20</p> <p><b>Miller</b> 1:15,17 2:3,10 3:10,17 4:5,8,14,17,19,2 1 5:3</p> <p><b>MIRANDA</b> 7:3,14</p> <p><b>misread</b> 2:20</p>	<p><b>mistake</b> 3:5</p> <p><b>Monday</b> 2:19</p> <p><b>morning</b> 2:10 3:4,16 5:4</p> <p><b>motion</b> 3:22 4:14</p> <p><b>move</b> 4:1</p> <hr/> <p style="text-align: center;"><b>N</b></p> <hr/> <p><b>N.E</b> 2:5</p> <p><b>N.W</b> 1:14</p> <p><b>NE</b> 1:6</p> <p><b>necessary</b> 3:15</p> <p><b>neither</b> 6:8</p> <p><b>NICK</b> 1:18</p> <p><b>night</b> 3:3</p> <p><b>NOPHLIN</b> 1:19 4:4</p> <p><b>nor</b> 6:9,13</p> <p><b>Notary</b> 6:1,19</p> <p><b>notes</b> 7:6</p> <p><b>November</b> 3:9,19 4:1</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>OAG</b> 1:21</p> <p><b>objection</b> 3:11</p> <p><b>obviously</b> 3:5</p> <p><b>October</b> 1:12</p> <p><b>officer</b> 6:3</p> <p><b>okay</b> 2:3 3:17 4:14 5:3</p> <p><b>Okie</b> 1:6 2:5</p> <p><b>opposed</b> 4:17</p> <p><b>otherwise</b> 6:13</p> <p><b>outcome</b> 6:13</p>	<hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>pages</b> 6:5</p> <p><b>participate</b> 3:21</p> <p><b>parties</b> 2:6 6:8,10,12</p> <p><b>PENNACHI</b> 7:3,14</p> <p><b>Plan</b> 1:10</p> <p><b>present</b> 1:17,21 3:20</p> <p><b>presiding</b> 1:15</p> <p><b>problem</b> 4:12</p> <p><b>proceeding</b> 7:4,5</p> <p><b>proceedings</b> 7:8</p> <p><b>Public</b> 6:1,19</p> <p><b>Purpose</b> 1:10</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p><b>questions</b> 3:18</p> <p><b>quite</b> 2:17</p> <hr/> <p style="text-align: center;"><b>R</b></p> <hr/> <p><b>reach</b> 3:6</p> <p><b>reachable</b> 3:6</p> <p><b>reached</b> 3:4</p> <p><b>reason</b> 2:22</p> <p><b>recess</b> 5:5</p> <p><b>record</b> 2:4,7 6:7</p> <p><b>recorded</b> 6:5</p> <p><b>recordings</b> 7:6</p> <p><b>reduced</b> 6:6</p> <p><b>Reeves</b> 1:14</p> <p><b>related</b> 6:9</p> <p><b>relative</b> 6:11</p>	<p><b>report</b> 2:12</p> <p><b>reported</b> 7:4</p> <p><b>Reporter</b> 7:4</p> <p><b>Reporter's</b> 7:6</p> <p><b>representing</b> 2:8</p> <p><b>response</b> 4:18,20</p> <p><b>responsibility</b> 4:10</p> <p><b>Retailer</b> 1:7</p> <p><b>Room</b> 1:14</p> <p><b>running</b> 2:15</p> <p><b>Ruthanne</b> 1:15,17</p> <hr/> <p style="text-align: center;"><b>S</b></p> <hr/> <p><b>second</b> 4:3,4</p> <p><b>seconded</b> 4:15</p> <p><b>Security</b> 1:10</p> <p><b>SILVERSTEIN</b> 1:20</p> <p><b>slot</b> 3:19</p> <p><b>status</b> 2:21</p> <p><b>Stern</b> 1:21 2:8,12,13 3:13 4:10,12 5:1</p> <p><b>Street</b> 1:6,14 2:5</p> <p><b>sure</b> 2:21 3:2</p> <hr/> <p style="text-align: center;"><b>T</b></p> <hr/> <p><b>t/a</b> 1:6</p> <p><b>testimony</b> 6:5,8</p> <p><b>Thank</b> 4:11,22 5:1</p> <p><b>That's</b> 2:22 4:13</p> <p><b>themselves</b> 2:7</p> <p><b>thereafter</b> 6:6</p> <p><b>there's</b> 3:8</p> <p><b>today</b> 5:2</p>
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