

THE SHOWTIME

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
 2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
 3 ALCOHOLIC BEVERAGE CONTROL BOARD

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6 IN THE MATTER OF: :

7 Spo-dee-o-dee, LLC
 8 t/a The Showtime Case Number 15-CMP-00555
 9 113 Rhode Island Avenue NW

10 License Number 89186

11 Retailer CT

12 ANC 5E

13 SHOW CAUSE HEARING

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15 Wednesday, April 20, 2016

16 Whereupon, the above referenced matter came on for
 17 hearing at the Alcoholic Beverage Control Board, Reeves
 18 Center, 2000 14th Street, N.W., Suite 400S, Washington,
 19 D.C. 20009.

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2 CHAIRPERSON:

3 DONOVAN W. ANDERSON, Presiding

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5 OTHER PERSONS PRESENT:

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7 NICK ALBERTI, BOARD MEMBER

8 RUTHANNE MILLER, BOARD MEMBER

9 JAMES SHORT, BOARD MEMBER

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

2 CHAIRPERSON ANDERSON: All right. The next
3 case on our calendar is show cause hearing, Case Number
4 15-CMP-00555, The Showtime, License Number 89186. Will
5 the parties please approach and identify themselves for
6 the record please.

7 MS. SCHMIDT: Good morning. Amy Schmidt,
8 Assistant Attorney General on behalf of the District of
9 Columbia.

10 CHAIRPERSON ANDERSON: Good morning.

11 MR. KLINE: Good morning. Andrew Kline on
12 behalf of the licensee.

13 MR. VIVARI: Paul Vivari, the licensee.

14 CHAIRPERSON ANDERSON: I'm sorry. I didn't
15 hear your name, sir.

16 MR. VIVARI: Paul Vivari.

17 CHAIRPERSON ANDERSON: Good morning, sir.
18 All right.

19 MR. VIVARI: V as in Victor, I-V again,
20 A-R-I.

21 CHAIRPERSON ANDERSON: All right. Are there
22 any preliminary matters in this case?

1 MS. SCHMIDT: Yes. There is a preliminary
2 matter in this case. The District -- we have an Offer
3 in Compromise which we'd like to present to The Board.
4 And this is an OIC of a \$4,000 fine for Charge 1, and
5 Charge 2 is to be dismissed. And if this is not -- if
6 the fine is not paid within 30 days, the license will be
7 suspended.

8 CHAIRPERSON ANDERSON: That is it?

9 MS. SCHMIDT: That is it.

10 CHAIRPERSON ANDERSON: You know, I -- I had
11 inquired earlier from our general counsel whether or not
12 there was an OIC and if I was aware of that.

13 MS. SCHMIDT: I aware ten minutes ago.

14 CHAIRPERSON ANDERSON: I would -- huh?

15 MS. SCHMIDT: I was just aware of it ten
16 minutes ago.

17 CHAIRPERSON ANDERSON: Okay. No. Because
18 I'd -- I'd inquired so therefore I would have called
19 your case earlier so you didn't have to sit here. But
20 since I was told we were having a full-blown hearing,
21 then I said well -- but I guess maybe -- and I don't
22 know what The Board's going to do. But I'm just saying

1 but maybe having a full-blown hearing allows the party
2 to -- to -- to further discuss the case. All right. So
3 the -- it's my understanding there is an Offer in
4 Compromise of a \$4,000 fine payable -- payable in what
5 period of time? I'm sorry. I didn't --

6 MS. SCHMIDT: In 30 days.

7 CHAIRPERSON ANDERSON: Payable in 30 days.
8 That if the fine is not paid in 30 days -- and that --
9 I'm sorry. And also that if the fine is not paid in 30
10 days, the license will be suspended. And Charge 2 will
11 be dismissed. That's -- is that -- all right. So
12 Mr. --

13 MR. VIVARI: Vivari.

14 CHAIRPERSON ANDERSON: Mr. Vivari, so is
15 this your understanding of the Offer in Compromise; that
16 \$4,000 fine payable in 30 days. If it -- the fine is
17 not paid in the 30 days, your -- the -- the license will
18 be suspended until it's paid and that Charge 2 will be
19 dismissed? Is this your understanding of the Offer in
20 Compromise, sir?

21 MR. VIVARI: Yes.

22 CHAIRPERSON ANDERSON: And do you clearly

1 understand that by accepting an Offer in Compromise
2 you're giving up your right to a hearing?

3 MR. VIVARI: Yeah.

4 CHAIRPERSON ANDERSON: And do you clearly
5 understand that you're also giving up your right to
6 appeal this matter?

7 MR. VIVARI: Yeah.

8 CHAIRPERSON ANDERSON: All right. Thank
9 you. All right. All right. I was -- now hold on.
10 Hold on one minute. All right. I -- I make a motion
11 then that this Offer in Compromise of a fine of \$4,000
12 payable in 30 days -- if it's not payable in 30 days,
13 the license will be suspended and that Charge 2 will be
14 dismissed. Is there a second?

15 MS. MILLER: Second.

16 CHAIRPERSON ANDERSON: Ms. Miller has
17 seconded the motion. Any discussion? Hearing none, all
18 those in favor say aye.

19 MS. MILLER: Aye.

20 CHAIRPERSON ANDERSON: Those opposed. Any
21 abstention?

22 MS. MILLER: What was the vote?

1 CHAIRPERSON ANDERSON: All those in favor
2 say aye. [Chorus of ayes]. Those opposed. [No audible
3 response]. Okay. It's accepted four to nothing. Thank
4 you very much.

5 MR. KLINE: Thank you.

6 CHAIRPERSON ANDERSON: Thank you very much.

7 MR. KLINE: Thanks.

8 CHAIRPERSON ANDERSON: With that let me look
9 at our calendar. I -- before you guys leave I just want
10 to thank you for -- for working to -- working together
11 to -- to have this matter go away. I appreciate the
12 fact that the parties were able to do that together.
13 Thank you very much. All right. Let me look at my --
14 and it is 12:01, and The Board is in recess. We'll be
15 in recess until 1:30. All right. Thank you.

16 [Off the record at 12:01 p.m.]

17 (Whereupon the above-entitled matter was
18 concluded.)

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