

DISTRICT OF COLUMBIA  
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 ALCOHOLIC BEVERAGE CONTROL BOARD  
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 MEETING

IN THE MATTER OF: :

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The Elroy Bar, LLC, :

t/a The Elroy :

1423 H Street, NE, : Show Cause

Retailer CT - ANC 6A : Hearing (Status)

License No. 96771 :

Case #18-CMP-00058 :

:

(Cover Charge Without :

Entertainment :

Endorsement, Operating :

After Hours) :

Wednesday,  
 October 3, 2018

The Alcoholic Beverage Control Board  
 met in the Alcoholic Beverage Control Hearing  
 Room, Reeves Building, 2000 14th Street, N.W.,  
 Suite 400S, Washington, D.C. 20009, Chairperson  
 Donovan W. Anderson, presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson  
 NICK ALBERTI, Member  
 BOBBY CATO, Member  
 MIKE SILVERSTEIN, Member  
 JAMES SHORT, Member

**ALSO PRESENT:**

**DONNA DURANTE-MILLER, Applicant**

**FERNANDO RIVERO, OAG**

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

2 10:21 a.m.

3 CHAIRPERSON ANDERSON: All right. The  
4 next case on our calendar is Case No. 18-CMP-  
5 00058, The Elroy, License No. 96771.

6 Would the parties, please, approach  
7 and identify themselves for the record, please?

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

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

13 MS. DURANTE-MILLER: Donna Durante-  
14 Miller.

15 CHAIRPERSON ANDERSON: I'm sorry,  
16 Miss? You did the same thing the gentleman did  
17 before. I cannot hear your last name.

18 MS. DURANTE-MILLER: Donna Durante-  
19 Miller, Bar Manager.

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

22 Ms. Miller, do you have an

1 authorization letter to say that you can  
2 represent this establishment?

3 MS. DURANTE-MILLER: Yes, sir.

4 CHAIRPERSON ANDERSON: Can we -- can  
5 you provide that to us, please?

6 Mr. Rivero, have you seen it?

7 MR. RIVERO: I haven't, but I have  
8 asked her for a copy yesterday, so --

9 CHAIRPERSON ANDERSON: Okay.

10 MR. RIVERO: -- she has to bring it.

11 CHAIRPERSON ANDERSON: Okay.

12 MR. RIVERO: The Government is  
13 satisfied with the letter.

14 CHAIRPERSON ANDERSON: All right.  
15 Thank you. All right. Are there any preliminary  
16 matters in this case?

17 MR. RIVERO: Yes. The parties have an  
18 Offer in Compromise to present to the Board at  
19 this time. The offer consists of:

20 For Charge 1, dismissal of the charge;

21 And for Charge 2, payment of a fine of  
22 \$2,500 within 30 days and if the fine is not paid

1 within 30 days, the license will be suspended  
2 until payment is received.

3 The dismissal of Charge 1 is pursuant  
4 to a review of the evidence. The licensee, in  
5 fact, had the appropriate cover charge  
6 endorsement on the date of the incident. So we  
7 don't have the evidence to sustain that charge  
8 and we are dismissing it.

9 CHAIRPERSON ANDERSON: All right.

10 MR. RIVERO: But that's the Offer in  
11 Compromise, at this time.

12 CHAIRPERSON ANDERSON: All right.

13 Thank you.

14 MR. RIVERO: You're welcome.

15 CHAIRPERSON ANDERSON: Mr. Durante-  
16 Miller, it's my understanding that there is an  
17 Offer in Compromise. And the Offer in Compromise  
18 is that Charge 1 will be dismissed.

19 For Charge 2, there is a fine of  
20 \$2,500 payable in 30 days. If the fine is not  
21 payable in 30 days, the license will be suspended  
22 until the fine has been paid.

1                   Is this your understanding of the  
2 Offer in Compromise?

3                   MS. DURANTE-MILLER: Yes, sir.

4                   CHAIRPERSON ANDERSON: Are you aware  
5 that by accepting an Offer in Compromise, that  
6 you are giving up your right to a hearing?

7                   MS. DURANTE-MILLER: Yes, sir.

8                   CHAIRPERSON ANDERSON: Are you also  
9 aware that by accepting an Offer in Compromise,  
10 that you are giving up your right to appeal this  
11 matter?

12                   MS. DURANTE-MILLER: Yes, sir.

13                   CHAIRPERSON ANDERSON: With that said,  
14 I then make a motion that the Offer in Compromise  
15 of a fine of -- the Offer in Compromise be  
16 accepted. Charge 1 will be dismissed and Charge  
17 2, that there will be a fine of \$2,500 payable in  
18 30 days. If the fine is not payable in 30 days,  
19 the license will be suspended until the fine has  
20 been paid. Is there a second?

21                   MEMBER SHORT: Second.

22                   CHAIRPERSON ANDERSON: Mr. Short has

1 seconded the motion.

2 All those in favor say aye.

3 ALL: Aye.

4 CHAIRPERSON ANDERSON: Those opposed?

5 The matter passes 5-0-0.

6 MR. RIVERO: Thank you.

7 CHAIRPERSON ANDERSON: Thank you.

8 I'll have you sign-off on this paperwork, ma'am.

9 All right.

10 (Whereupon, the Show Cause (Status)

11 Hearing was concluded at 10:25 a.m.)

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<b>A</b>	<b>District</b> 1:1 3:9 <b>Donna</b> 2:11 3:13,18 <b>Donovan</b> 1:16,19 <b>Durante-</b> 3:13,18 5:15 <b>DURANTE-MILLER</b> 2:11 3:13,18 4:3 6:3,7 6:12	<b>met</b> 1:15 <b>MIKE</b> 1:20 <b>Miller</b> 3:14,19,21,22 5:16 <b>morning</b> 3:8,11,20 <b>motion</b> 6:14 7:1	<b>Show</b> 1:7 7:10 <b>sign-off</b> 7:8 <b>SILVERSTEIN</b> 1:20 <b>sir</b> 4:3 6:3,7,12 <b>sorry</b> 3:15 <b>Status</b> 1:7 7:10 <b>Street</b> 1:7,15 <b>Suite</b> 1:16 <b>suspended</b> 5:1,21 6:19 <b>sustain</b> 5:7
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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: The Elroy

Before: DCABRA

Date: 10-03-18

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.

*Neal R Gross*

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Court Reporter

**NEAL R. GROSS**

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