

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
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FD, LLC :
t/a Unity :
1936 9th Street NW : Show Cause
Retailer CT - ANC 1B : Hearing
License No. 109064 :
Case #22-251-00021 :
 :
(Allowed the :
Establishment to be Used :
for an Unlawful or :
Disorderly Purpose, :
Failed to Follow :
Security Plan, Sale to :
Minor Violation, :
Failed to Take :
Reasonably Necessary :
Steps to Ascertain Legal :
Drinking Age) :
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Wednesday
February 8, 2023

The Alcoholic Beverage Control Board
met via WebEx videoconference, Chairperson
Donovan W. Anderson presiding.

PRESENT:

- DONOVAN W. ANDERSON, Chairperson
- BOBBY CATO, JR., Member
- RAFI ALIYA CROCKETT, Member
- EDWARD S. GRANDIS, Member
- JENI HANSEN, Member
- JAMES SHORT, JR., Member

ALSO PRESENT:

JOSE ORELLANA, DC ABRA Staff

ANDREW KLINE, Applicant Counsel

ANTHONY CELO, Assistant Attorney General

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

2 11:01 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 on our calendar is case #22-251-00021, Unity,
5 license no. 109064. Is this your case, Mr.
6 Kline?

7 MR. KLINE: Yes. It's our law firm's
8 case --

9 CHAIRPERSON ANDERSON: Is this also
10 your case, Mr. Celso? Can the parties identify
11 themselves for the record please, starting with
12 the Government?

13 MR. CELO: Assistant Attorney General
14 Anthony Celso, A-N-T-H-O-N-Y C-E-L-O, on behalf of
15 the District.

16 CHAIRPERSON ANDERSON: Good morning,
17 sir. Mr. Kline?

18 MR. KLINE: Andrew Kline, A-N-D-R-E-W,
19 Kline, K-L-I-N-E, on behalf of the licensee.

20 CHAIRPERSON ANDERSON: Okay. Are
21 there preliminary matters in this case?

22 MR. CELO: Yes, Mr. Chair, the parties
23 did reach a settlement agreement for offering
24 compromise in this case. My understanding is
25 that it has not yet been able to be signed, but

1 terms have been agreed upon.

2 CHAIRPERSON ANDERSON: So, what is it
3 that, do you want to put it, this matter is --
4 this is a show cause hearing, so therefore, there
5 is either a settlement, or we're going to hold
6 hearings. If the terms are there, then the
7 parties can present the terms and the Board can
8 vote to approve or disapprove it, but that's what
9 we have to do today.

10 MR. CELO: Yes, as I indicated, we
11 were not able to get everything signed and
12 submitted in advance, but I am prepared to read
13 the agreement onto the record for the Board's
14 approval.

15 CHAIRPERSON ANDERSON: So, what are
16 the terms of the offer and compromise, please?

17 MR. CELO: All right. And I will,
18 with the Board's approval, read in its entirety,
19 the OIC in the matter of FD, LLC t/a Unity, case
20 #22-251-0021.

21 The District of Columbia -- with the
22 licensee offers this Offer in Compromise to ABRA
23 Board as authorized by 23 DCMR 1611.5 for
24 approval by the Board. The parties understand
25 that if the Board approves OIC the case will

1 conclude, the scheduled show cause hearing will
2 be vacated, and under 23 DCMR 1611.6 the OIC
3 shall constitute a waiver of appeal for judicial
4 review. Respondent will be obligated to abide by
5 the terms of the OIC, shown below. If the Board
6 does not approve the OIC, the matter will be
7 continued to the scheduled show cause hearing,
8 currently set for February 8, 2023.

9 Respondent has been advised that there
10 is no obligation to accept an OIC. Respondent
11 has been advised through service and notice of a
12 status hearing and show cause hearing that at the
13 show cause hearing Respondent may be represented
14 by legal counsel, have subpoenas issued to
15 require the production of witnesses and evidence,
16 produce witness and evidence, cross examine
17 witnesses and apply to the Board for a qualified
18 interpreter.

19 The OIC terms are as follows. Charge
20 1, allowed for the establishment to use for
21 unlawful purposes under DC Code 25.823(a)(2) will
22 be dismissed. Charge 2, Failed to follow
23 security plan under DC Code 25.823(a)(6) shall
24 result in a \$1,000 fine payable within 30 days or
25 its license shall be suspended indefinitely until

1 the fine is paid. Charge 3, sale to a minor DC
2 Code 25.781 shall result in a warning. Charge 4,
3 failed to take reasonable steps necessary to
4 ascertain legal drinking age under DC Code 25.783
5 shall result in a warning.

6 CHAIRPERSON ANDERSON: Mr. Kline, it's
7 my understanding that there is an offer in
8 compromise. If the offer in compromise for
9 charge 1, allowed the establishment to be used
10 for unlawful or disorderly purpose for which the
11 Board may take action, DC Code Section
12 25.823(a)(2), that matter is dismissed.

13 Charge 2, failed to comply with
14 security plan in violation of DC Code Section
15 25.438(c)(3) that there is a \$1,000 fine. The
16 fine must be payable in 30 days. If the fine is
17 not payable within 30 days the license will be
18 suspended until the fine has been paid.

19 Charge 3, sale to minor, that charge
20 is a warning.

21 Charge 4, failure to take reasonable
22 steps to ascertain whether a person is of
23 adequate drinking age. A warning was also issued
24 on that matter.

25 Is this your understand of the offer

1 in compromise, sir?

2 MR. KLINE: Yes, it is, Mr. Chairman.

3 CHAIRPERSON ANDERSON: Is your client
4 aware that by accepting an offer in compromise
5 that your client is giving up his right to a
6 hearing?

7 MR. KLINE: Yes, Mr. Chair.

8 CHAIRPERSON ANDERSON: Is your client
9 also aware that by accepting an offer in
10 compromise that they are giving up their right to
11 appeal this matter?

12 MR. KLINE: Yes, Mr. Chair.

13 CHAIRPERSON ANDERSON: Any questions
14 by the Board members? Hearing none, I make a
15 motion that the offer in compromise be accepted.
16 For charge 1, charge 1 will be dismissed. For
17 charge 2 there is a \$1,000 fine payable within 30
18 days. If the fine is not paid within 30 days the
19 license will be suspended until the fine has been
20 paid. For charge 3, sale to minor, a warning
21 will be issued. Charge 4, ascertain legal
22 drinking age, a warning will be issued.

23 Is there a second?

24 MEMBER SHORT: Mr. Short. I second.

25 CHAIRPERSON ANDERSON: Mr. Short and

1 Mr. Grandis have seconded the motion. We will
2 now have a roll call vote. Mr. Short?

3 MEMBER SHORT: Mr. Short, I agree.

4 CHAIRPERSON ANDERSON: Mr. Cato?

5 MEMBER CATO: Bobby Cato, I agree.

6 CHAIRPERSON ANDERSON: Ms. Crockett?

7 MEMBER CROCKETT: I agree.

8 CHAIRPERSON ANDERSON: Ms. Hansen?

9 MEMBER HANSEN: Jeni Hansen, I agree.

10 CHAIRPERSON ANDERSON: Mr. Grandis?

11 MEMBER GRANDIS: I agree.

12 CHAIRPERSON ANDERSON: Mr. Anderson?

13 I agree. The matter passed 6-0-0. Thank you,
14 parties, for presenting an offer in compromise to
15 the Board. Thank you very much. Have a great
16 day.

17 (Whereupon, the above-entitled matter
18 went off the record at 11:08 a.m.)

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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: Unity

Before: DC ABRA

Date: 02-08-23

Place: teleconference

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



Court Reporter

NEAL R. GROSS

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