DISTRICT OF COLUMBIA + + + + + ALCOHOLIC BEVERAGE CONTROL BOARD + + + + + MEETING

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IN THE MATTER OF: :
FD, LLC :
t/a Unity :

1936 9th Street NW : Show Cause Retailer CT - ANC 1B : Hearing

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) :

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. Celo? Can the parties identify
11	themselves for the record please, starting with
12	the Government?
13	MR. CELO: Assistant Attorney General
14	Anthony Celo, 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

terms have been agreed upon.

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

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

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

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

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

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

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

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

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

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

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

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

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

Is this your understand of the offer

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1 in compromise, sir? 2 Yes, it is, Mr. Chairman. MR. KLINE: 3 CHAIRPERSON ANDERSON: Is your client aware that by accepting an offer in compromise 4 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. 17 charge 2 there is a \$1,000 fine payable within 30 18 If the fine is not paid within 30 days the days. license will be suspended until the fine has been 19 20 For charge 3, sale to minor, a warning 21 will be issued. Charge 4, ascertain legal 2.2 drinking age, a warning will be issued. 23 Is there a second? Mr. Short. 2.4 MEMBER SHORT: I second.

CHAIRPERSON ANDERSON:

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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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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

Mac Nous &