

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

IN THE MATTER OF: :

476 K, LLC, :

t/a Cloakroom :

476 K Street NW :

Retailer CN - ANC 6E : Show Cause Hearing

License No. 87875 : (Status)

Case #20-CMP-00074 :

(Operating After Hours, :

Permitted Employees to :

Engage in Sexual Acts at :

the Establishment) :

Wednesday
December 9, 2020

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

PRESENT :

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

ALSO PRESENT:

SIMONE ANDREWS, DC ABRA Staff
WALTER ADAMS, DC OAG
RODERICK WOODSON, Licensee Representative

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

10:55 a.m.

CHAIRPERSON ANDERSON: All right. The next case on our calendar is Case No. 20-CMP-00074, the Cloakroom, License No. 87875. Ms. Andrews, can you please elevate the rights of the licensee in this case, please?

MS. ANDREWS: Mr. Woodson, your rights have been elevated. The other licensee is not on the line.

CHAIRPERSON ANDERSON: Okay. Thank you.

MS. ANDREWS: That's all, Mr. Chair.

CHAIRPERSON ANDERSON: Mr. Woodson, if you have a camera, please activate your camera and also please unmute your microphone, please. All right. All right.

MR. WOODSON: Good morning.

CHAIRPERSON ANDERSON: All right. Thank you. Mr. Adams, can you please state your name for the record, please?

MR. ADAMS: Good morning, Mr. Chairman. Walter Adams, and I'm representing the District of Columbia.

CHAIRPERSON ANDERSON: Good morning,

1 Mr. Adams. Mr. Woodson, can you please state
2 your name for the record and also spell your name
3 for the record, please?

4 MR. WOODSON: Yes. Good morning, Mr.
5 Chairman and members of the Board. My name is
6 Roderic Woodson, R-O-D-E-R-I-C, W-O-O-D-S-O-N.
7 I'm counsel with Parker Poe Adams & Bernstein
8 here in the District, and we are counsel to 476
9 K, LLC.

10 CHAIRPERSON ANDERSON: Otherwise known
11 as the Cloakroom, yes.

12 MR. WOODSON: Yes.

13 CHAIRPERSON ANDERSON: All right.
14 Thank you. Thank you, Mr. Woodson. Mr. Adams,
15 are there any preliminary matters in this case?

16 MR. ADAMS: There is, Mr. Chairman.
17 The parties have discussed a settlement of this
18 case and reached a settlement and are in a
19 position to propose an Offer in Compromise to the
20 Board.

21 CHAIRPERSON ANDERSON: And what is the
22 Offer in Compromise, please?

23 MR. ADAMS: Yes, Mr. Chairman. In
24 this case, for the single charge of the
25 establishment operating outside its approved

1 hours, the parties have agreed that the case
2 could be resolved for a warning.

3 CHAIRPERSON ANDERSON: Now, let me ask
4 you a question, Mr. Adams. I thought it said the
5 operating after hours, permitted employees to
6 engage in sexual acts at the establishment. So
7 was that -- is it just one charge or is there
8 more than one change? Or please explain it.

9 MR. ADAMS: To my knowledge, there's
10 only the single charge of the establishment
11 operating outside of its approved hours. And it
12 may have been referred to the office for more
13 than one charge. However, I believe that the
14 only charge that we have -- that we actually
15 noticed or placed in notice was the operating
16 outside the approved hours.

17 CHAIRPERSON ANDERSON: So the only
18 issue in this case is an operation after hours
19 charge. Just clarification for my -- just
20 clarification of the notice. Do you have -- I'm
21 sorry. I don't have the notice in front of me.
22 I just want to make sure. Do you have a copy of
23 -- does either party have a copy of the show
24 cause notice that was sent out, to see -- just to
25 let me know what charges were on there, because

1 I'm looking at one document. The calendar says
2 something else. And so because I don't have the
3 show cause notice in front of me, I just want to
4 make sure that all issues are covered.

5 MR. ADAMS: With the Board's
6 indulgence, I may be able to pull up the notice
7 and the case. So it'll take me a couple of
8 minutes in order to do so. But I don't
9 specifically have that notice in front of me.

10 CHAIRPERSON ANDERSON: Do you have a
11 copy of the notice in front of you, Mr. Woodson?

12 MR. WOODSON: Yes, Mr. Chairman. I do
13 have it. If it's -- unfortunately, I can't
14 display it to you.

15 CHAIRPERSON ANDERSON: No, I'm just
16 saying what's the charge on -- how many charges
17 are on the notice, please?

18 MR. WOODSON: I just saw this notice
19 today, and I see two charges. I didn't know
20 there was -- I thought that there was only one
21 when I became involved in this, and that's the
22 one that the Office of the Attorney General has
23 discussed with me. And indeed, I've discussed
24 that with them (audio interference).

25 CHAIRPERSON ANDERSON: Hold on. Hold

1 on. Hold on one minute. Mr. Adams, can you
2 please put your microphone on mute while Mr. --
3 and Mr. Short, please put your microphone on mute
4 also, too, because I'm getting feedback. So, Mr.
5 Adams, please put your microphone on mute because
6 while Mr. Woodson is speaking, I can't hear.
7 There's feedback, and I'm not sure where it's
8 coming from.

9 All right. So as you were saying, Mr.
10 Woodson.

11 MR. WOODSON: All right. As I was
12 saying, Mr. Chairman and members of the Board. I
13 became involved with this matter yesterday, and I
14 discussed this. I didn't have the show cause at
15 the time, but I did discuss it with the Office of
16 the Attorney General yesterday when we agreed on
17 the written warning, as you all can see. When I
18 got the document today, I see that there are
19 actually two charges. And I haven't had a
20 discussion with the Office of the Attorney
21 General on Charge 2, which speaks about sexual
22 acts. And so I can't speak to (audio
23 interference).

24 CHAIRPERSON ANDERSON: All right. I
25 think the feedback I'm getting is from your

1 connection, Mr. Woodson.

2 Mr. Adams, I believe because the
3 information that I have here, it says there are
4 two charges. So the show cause order -- and
5 again, I'm not -- the Board is not involved with
6 it. And so I need to find out from the
7 Government whether or not the Government decided
8 to dismiss the other charge. I'm fine with that.
9 If the Government decided not to pursue the
10 charge, then that's fine.

11 But as far as the information I have
12 here, there are two charges on the show cause
13 notice that went out and the OIC that's been
14 offered only covers one charge. So I believe
15 that at least the OIC that's been presented is
16 not -- it doesn't fully cover the document. If
17 it's the position of the Government that they're
18 dropping the charge, one of the charges, then
19 that's up to the Government.

20 But I need to get an answer about the
21 two charges that are on the charging document.
22 So if the Government's position is not to -- if
23 the Government has negotiated a dismissal of one
24 of the charges, then I cannot accept -- the Board
25 cannot accept an OIC that does not address

1 another charge whether or not it has to be
2 prosecuted or it has to be dismissed.

3 MR. ADAMS: I understand that, Mr.
4 Chairman. If the Board -- or Mr. Chairman, we'd
5 like just a momentary ask for the Board's
6 indulgence just to make sure that we're
7 understanding the issues regarding that specific
8 matter for that charge. And if you don't mind
9 just a momentary indulgence so that we can just
10 sort this out very briefly.

11 CHAIRPERSON ANDERSON: That's fine.
12 That's fine. We can wait for you. Or if you
13 want -- yeah, we can wait. I mean, we're in no
14 rush. All right.

15 MR. ADAMS: All right. So just
16 probably a minute or two, Mr. Chairman.

17 CHAIRPERSON ANDERSON: That's fine.
18 We can.

19 (Whereupon, the above-entitled matter
20 went off the record at 11:05 a.m. and resumed at
21 11:08 a.m.)

22 CHAIRPERSON ANDERSON: We're back on
23 the record. Yes, go ahead, Mr. Adams.

24 MR. ADAMS: Thank you, Mr. Chairman,
25 for the Board's indulgence. The District has

1 found that there's been a miscommunication
2 regarding the charges in terms of what's been
3 presented for the OIC and also what's been
4 presented to Mr. Woodson. What we'd like to do
5 is ask the Board for an opportunity for the
6 parties to discuss for a future hearing regarding
7 this matter.

8 Hopefully, the parties will be able to
9 resolve this without a further hearing. However,
10 we believe that we're going to -- the parties
11 will need to be able to discuss this case further
12 before offering an Offer in Compromise. So we're
13 not able to, obviously, because of this conflict
14 with the charges, be able to offer an Offer in
15 Compromise as presented today. However, we would
16 just like to ask the Board for the ability to
17 come back at a later date to have another
18 opportunity to discuss this matter.

19 CHAIRPERSON ANDERSON: There are
20 several options. I mean, if you want to -- and
21 I'm not sure if this is enough time. I could
22 recall this case this afternoon since we have an
23 afternoon calendar or -- I mean, what I can do, I
24 mean, we can schedule this matter for a show
25 cause hearing because the show cause hearing is

1 for a date to be determined.

2 However, because there was an Offer in
3 Compromise presented today and there was some
4 miscommunication, I would represent that we would
5 -- if it's scheduled for a show cause hearing and
6 the parties are asking for some flexibility in
7 when to schedule it or if they want to come up
8 with another offer when this matter is scheduled,
9 then that's fine because I don't have -- the
10 Board doesn't have a specific date to offer you
11 right now for a show cause hearing. So what
12 we'll do, we'll just say that there are no
13 preliminary matters. We'll schedule this for a
14 show cause hearing for a date to be determined.

15 The parties can -- if they desire,
16 they can discuss this case. The Board accepts
17 written Offer in Compromises, so that can be
18 brought at any point. So it doesn't necessarily
19 -- say, for example, if you have an Offer in
20 Compromise, the parties can write it up, sign off
21 on it, and just present it to the Board without
22 the licensee being there.

23 So you have different options. I
24 mean, based on COVID, we have now found out that
25 there are a lot of actions that can be taken

1 remotely. And so we want to move forward with
2 that. Okay?

3 MR. ADAMS: Understood, Mr. Chairman.
4 And again, thanks to the Board. I think
5 obviously it'd be best for us to have this go to
6 another date. In the interim, we will be in
7 communications with Mr. Woodson regarding
8 possible ways to resolve this prior to any show
9 cause hearing.

10 CHAIRPERSON ANDERSON: Thank you, Mr.
11 Adams. Thank you, Mr. Woodson. I apologize, and
12 we're all doing this remotely. And things don't
13 normally work as smoothly as if we were in
14 person. So I appreciate the fact that the
15 parties understood. We're now on the same page.
16 So this matter then will be scheduled for a show
17 cause hearing for a date to be determined. All
18 right. Thank you.

19 MR. ADAMS: Thank you very much, Mr.
20 Chairman.

21 MR. WOODSON: All right. Good day.

22 CHAIRPERSON ANDERSON: Good day.
23 Thank you.

24 (Whereupon, the above-entitled matter
25 went off the record at 11:12 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: Cloakroom

Before: DCABRA

Date: 12-09-20

Place: teleconference

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
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Court Reporter

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