

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

IN THE MATTER OF: :

:

Stoney's LLC, :

t/a Stoney's :

1433 P Street NW :

Retailer CR - ANC 2F : Show Cause Hearing

License No. 75613 : (Status)

Case #19-CMP-00087 :

:

(Allowed a patron to :

leave the Establishment :

with an Alcoholic :

Beverage in an Open :

Container, Increase in :

Occupancy Without Board :

Approval, Provided :

"back-up drinks", :

Violation of Settlement :

Agreement) :

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

RISA HIRAO, Licensee Representative

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

2 10:46 a.m.

3 CHAIRPERSON ANDERSON: All right. The  
4 next case on our calender is Case No. 19-CMP-  
5 00087, Stoney's, License No. 75613. Ms. Andrews,  
6 can you please elevate the rights of the licensee  
7 in this case, please?

8 MS. ANDREWS: Ms. Teresa, your line  
9 has been unmuted. You're now a panelist. That's  
10 all, Mr. Chair.

11 CHAIRPERSON ANDERSON: Thank you. Mr.  
12 Adams, can you please state your name for the  
13 record, please?

14 CHAIRPERSON ANDERSON: Thank you, Mr.  
15 Chairman. Walter Adams representing the District  
16 of Columbia.

17 CHAIRPERSON ANDERSON: Ms. Hirao, can  
18 you please state and spell your name for the  
19 record and your relationship to the licensee,  
20 please?

21 MS. HIRAO: My name is Risa Hirao, H-  
22 I-R-A-O. I represent Stoney's, the licensee.

23 CHAIRPERSON ANDERSON: All right.  
24 Thank you. Mr. Adams, are there any preliminary  
25 matters in this case?

1 MR. ADAMS: Yes, Mr. Chairman. There  
2 is a preliminary matter in this case. The  
3 parties have discussed the charges and have  
4 reached a proposed settlement and are able to  
5 propose an offer in compromise to the Board.

6 CHAIRPERSON ANDERSON: And what is the  
7 offer in compromise, please?

8 MR. ADAMS: Yes, Mr. Chairman. There  
9 are four charges in this case. And what we are  
10 proposing is that the establishment pay a fine in  
11 the total amount of 1,500 dollars to be paid in  
12 the period of 90 days.

13 There are four charges. For Charge 1  
14 which is allowing a patron to leave the  
15 establishment with an alcoholic beverage and open  
16 container, this is the first violation for the  
17 establishment and a secondary violation. So the  
18 recommendation is a fine in the amount of 250  
19 dollars.

20 For Charge 2, an increase in occupancy  
21 without Board approval, which is a primary tier  
22 violation, the first primary tier violation for  
23 the establishment. We are recommending a fine  
24 for 1,000 dollars. For Charge 3, providing a  
25 back-up drink, we believe that provision has been

1 stricken from the D.C. Code. We are recommending  
2 dismissal of that charge.

3 And for violation of a settlement  
4 agreement which is, again, a first-time violation  
5 for -- first-time secondary tier violation for  
6 the establishment. We are recommending a fine in  
7 the amount of 250 dollars. So that would total  
8 the 1,500 dollars.

9 CHAIRPERSON ANDERSON: And you said  
10 it's payable within 90 days?

11 MR. ADAMS: Yes, it's payable in 90  
12 days. So if the establishment fails to pay  
13 within the 90-day period, the establishment is  
14 aware that the license will be suspended until  
15 the time that it has paid the fine.

16 CHAIRPERSON ANDERSON: Thank you. Ms.  
17 Hirao, it's my understanding there's an offer in  
18 compromise. And the offer in compromise is that  
19 for Charge 1, there is a fine of 250 dollars,  
20 Charge 2, a fine of 1,000 dollars, Charge 3 will  
21 be dismissed, Charge 4, a fine of 250 dollars for  
22 a total fine of 1,500 dollars payable within 90  
23 days. If the fine is not payable within 90 days,  
24 the license will be suspended until the fine has  
25 been paid. Is this your and your client's

1 understanding of the offer in compromise?

2 MS. HIRAO: Yes, it is.

3 CHAIRPERSON ANDERSON: And is your  
4 client aware that by accepting an offer in  
5 compromise that they give up their right to a  
6 hearing?

7 MS. HIRAO: Yes, Stoney's is aware.

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

12 MS. HIRAO: Yes, my client is aware.

13 CHAIRPERSON ANDERSON: All right.  
14 Thank you. Are there any questions by any Board  
15 members?

16 MS. HIRAO: I do not have any  
17 questions.

18 CHAIRPERSON ANDERSON: Sorry. I was  
19 asking the Board members if they --

20 (Simultaneous speaking.)

21 MS. HIRAO: Oh, sorry, sorry.

22 CHAIRPERSON ANDERSON: Well, since Ms.  
23 Hirao has spoken for the Board members, so I  
24 assume there are no questions by the Board  
25 members.

1 MS. HIRAO: My apologies.

2 CHAIRPERSON ANDERSON: I then make a  
3 motion that the offer in compromise be accepted,  
4 that for Charge 1, there is a fine of 250  
5 dollars, for Charge 2, there's a fine of 1,000  
6 dollars, that Charge 3 will be dismissed, that  
7 for Charge 4, there is a fine of 250 dollars for  
8 a total fine of 1,500 dollars payable within 90  
9 days. If the fine is not paid within 90 days,  
10 the license will be suspended until the fine has  
11 been paid. Is there a second?

12 MEMBER GRANDIS: Ed Grandis will  
13 second.

14 CHAIRPERSON ANDERSON: Mr. Grandis has  
15 second the motion. We'll now have a roll call  
16 vote on the motion that was properly second by  
17 Mr. Grandis. Mr. Short?

18 MEMBER SHORT: Mr. Short.

19 CHAIRPERSON ANDERSON: Mr. Cato?

20 MEMBER CATO: Bobby Cato, I agree.

21 CHAIRPERSON ANDERSON: Ms. Crockett?

22 MEMBER CROCKETT: Rafi Crockett, I  
23 agree.

24 CHAIRPERSON ANDERSON: Ms. Hansen?

25 MEMBER HANSEN: Jeni Hansen, I agree.

1 CHAIRPERSON ANDERSON: Mr. Grandis?

2 MEMBER GRANDIS: Ed Grandis, I agree.

3 CHAIRPERSON ANDERSON: And Mr.

4 Anderson, I agree. The matter passes 6-0-0.

5 Thank you, Ms. Hirao, and thank you, Mr. Adams,  
6 for stepping in this matter. And if there's no  
7 further question, have a great day. Thank you  
8 very much.

9 MS. HIRAO: Thank you, Board members.

10 CHAIRPERSON ANDERSON: All right. All  
11 right. Bye-bye.

12 (Whereupon, the above-entitled matter  
13 went off the record at 10:52 a.m.)  
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This is to certify that the foregoing transcript

In the matter of: Stoney's

Before: DCABRA

Date: 12-09-20

Place: teleconference

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

  
-----  
Court Reporter

**NEAL R. GROSS**

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