

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

IN THE MATTER OF:
Biergarten Haus, Inc.,
t/a Biergarten Haus
1355 H Street NE
Retailer CT - ANC 6A
License No. 83695
Case #17-CMP-00635
(Failed to Take Steps
Necessary to Ensure
Property is Free of
Litter)

Wednesday
May 2, 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, JR., Member
DONALD ISAAC, SR., Member
MIKE SILVERSTEIN, Member
JAMES SHORT, Member
REMA WAHABZADAH, Member

**ALSO PRESENT:**

**AARON McGOVERN, Licensee**

**LOUISE PHILLIPS, OAG**

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

2 9:45 a.m.

3 CHAIRPERSON ANDERSON: All right. The  
4 next case on the calendar is Case No. 17-CMP-  
5 00635, Biergarten Haus, License No. 83695.

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

8 MR. MCGOVERN: Hello. My name is  
9 Aaron McGovern, A-A-R-O-N M-C-G-O-V-E-R-N. I'm  
10 the owner of Biergarten Haus.

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

13 MR. MCGOVERN: Good morning.

14 MS. PHILLIPS: Louise Phillips,  
15 Assistant Attorney General for the District of  
16 Columbia. And with me is Kimberly Berry, also an  
17 assistant.

18 CHAIRPERSON ANDERSON: Good morning  
19 again.

20 Are there any preliminary matters in  
21 this case?

22 MS. PHILLIPS: Yes, Mr. Chair, there

1 are. The parties have an Offer in Compromise to  
2 present to the Board. It is a fine of \$350 to be  
3 paid today, I believe.

4 MR. McGOVERN: Yes.

5 CHAIRPERSON ANDERSON: And if it's not  
6 paid today, are -- we don't need to say anything  
7 else?

8 MS. PHILLIPS: No. He is going to pay  
9 today.

10 CHAIRPERSON ANDERSON: All right.

11 MS. PHILLIPS: He know if he doesn't  
12 pay today, it will be suspended --

13 MR. McGOVERN: I brought the check  
14 with me.

15 MS. PHILLIPS: -- for 30 days.

16 CHAIRPERSON ANDERSON: All right.  
17 Okay. All right. Mr. McGovern, it's my -- Mr.  
18 McGovern, right?

19 MR. McGOVERN: I've been called worse.

20 CHAIRPERSON ANDERSON: Give me your  
21 name again, please, sir.

22 MR. McGOVERN: Aaron McGovern.

1                   CHAIRPERSON ANDERSON: Mr. McGovern,  
2 good morning. Yeah, it's my understanding that  
3 there is an Offer in Compromise and the Offer in  
4 Compromise is that there is a fine of \$350 which  
5 will be payable today. If it's not payable  
6 today, your license will be suspended.

7                   Is this your understanding, sir, of  
8 the Offer in Compromise?

9                   MR. McGOVERN: I agree with the Offer  
10 in Compromise.

11                  CHAIRPERSON ANDERSON: All right.  
12 Well, are you aware that by accepting an Offer in  
13 Compromise, that you are giving up your right to  
14 a hearing?

15                  MR. McGOVERN: I do.

16                  CHAIRPERSON ANDERSON: Are you also  
17 aware that by accepting an Offer in Compromise,  
18 that you are giving up your right to appeal this  
19 matter?

20                  MR. McGOVERN: I do.

21                  CHAIRPERSON ANDERSON: All right.  
22 With this said, I make a motion that the Offer in

1           Compromise of a fine of \$350 payable today, if  
2           it's not payable today, the license will be  
3           suspended. Is there a second?

4                       MEMBER SILVERSTEIN: Second.

5                       CHAIRPERSON ANDERSON: Mr. Silverstein  
6           has seconded the motion.

7                       All those in favor say aye.

8                       ALL: Aye.

9                       CHAIRPERSON ANDERSON: Those opposed?  
10          The matter passes 7-0-0.

11                      I will have you sign some paperwork  
12          and then you can pay your fine, sir.

13                      MR. MCGOVERN: Thank you very much.

14                      CHAIRPERSON ANDERSON: I want to thank  
15          the parties for agreeing to having an Offer in  
16          Compromise.

17                      So just sit tight for one minute, sir,  
18          please.

19                      (Whereupon, the Show Cause Hearing was  
20          concluded at 9:48 a.m.)

21

22

<b>A</b>	<b>Ensure</b> 1:10	<b>N.W</b> 1:15 <b>name</b> 3:8 4:21 <b>NE</b> 1:7 <b>Necessary</b> 1:10 <b>need</b> 4:6 <b>NICK</b> 1:19	<b>T</b>
<b>A-A-R-O-N</b> 3:9 <b>a.m</b> 3:2 6:20 <b>Aaron</b> 2:11 3:9 4:22 <b>accepting</b> 5:12,17 <b>agree</b> 5:9 <b>agreeing</b> 6:15 <b>ALBERTI</b> 1:19 <b>Alcoholic</b> 1:2,14,15 <b>ANC</b> 1:7 <b>Anderson</b> 1:16,19 3:3 3:11,18 4:5,10,16,20 5:1,11,16,21 6:5,9,14 <b>appeal</b> 5:18 <b>approach</b> 3:6 <b>assistant</b> 3:15,17 <b>Attorney</b> 3:15 <b>aware</b> 5:12,17 <b>aye</b> 6:7,8	<b>F</b>	<b>O</b>	<b>t/a</b> 1:6 <b>Take</b> 1:9 <b>thank</b> 6:13,14 <b>tight</b> 6:17 <b>today</b> 4:3,6,9,12 5:5,6 6:1,2
<b>B</b>	<b>G</b>	<b>OAG</b> 2:12 <b>Offer</b> 4:1 5:3,3,8,9,12 5:17,22 6:15 <b>Okay</b> 4:17 <b>opposed</b> 6:9 <b>owner</b> 3:10	<b>U</b>
<b>believe</b> 4:3 <b>Berry</b> 3:16 <b>Beverage</b> 1:2,14,15 <b>Biergarten</b> 1:6,6 3:5,10 <b>Board</b> 1:2,14 4:2 <b>BOBBY</b> 1:20 <b>brought</b> 4:13 <b>Building</b> 1:15	<b>General</b> 3:15 <b>Give</b> 4:20 <b>giving</b> 5:13,18 <b>going</b> 4:8 <b>good</b> 3:11,13,18 5:2	<b>P</b>	<b>understanding</b> 5:2,7
<b>C</b>	<b>H</b>	<b>P-R-O-C-E-E-D-I-N-G-S</b> 3:1 <b>paid</b> 4:3,6 <b>paperwork</b> 6:11 <b>parties</b> 3:6 4:1 6:15 <b>passes</b> 6:10 <b>pay</b> 4:8,12 6:12 <b>payable</b> 5:5,5 6:1,2 <b>Phillips</b> 2:12 3:14,14,22 4:8,11,15 <b>please</b> 3:6,7 4:21 6:18 <b>preliminary</b> 3:20 <b>present</b> 1:18 2:9 4:2 <b>presiding</b> 1:16 <b>Property</b> 1:10	<b>V</b>
<b>calendar</b> 3:4 <b>called</b> 4:19 <b>case</b> 1:8 3:4,4,21 <b>CATO</b> 1:20 <b>Cause</b> 1:7 6:19 <b>Chair</b> 3:22 <b>Chairperson</b> 1:16,19 3:3,11,18 4:5,10,16 4:20 5:1,11,16,21 6:5 6:9,14 <b>check</b> 4:13 <b>Columbia</b> 1:1 3:16 <b>Compromise</b> 4:1 5:3,4 5:8,10,13,17 6:1,16 <b>concluded</b> 6:20 <b>Control</b> 1:2,14,15 <b>CT</b> 1:7	<b>H</b> 1:7 <b>Haus</b> 1:6,6 3:5,10 <b>hearing</b> 1:7,15 5:14 6:19 <b>Hello</b> 3:8	<b>W</b>	<b>W</b> 1:16,19 <b>WAHABZADAH</b> 1:22 <b>want</b> 6:14 <b>Washington</b> 1:16 <b>Wednesday</b> 1:12 <b>worse</b> 4:19
<b>D</b>	<b>I</b>	<b>Q</b>	<b>X</b>
<b>D.C</b> 1:16 <b>days</b> 4:15 <b>District</b> 1:1 3:15 <b>DONALD</b> 1:20 <b>Donovan</b> 1:16,19	<b>identify</b> 3:7 <b>ISAAC</b> 1:20	<b>R</b>	<b>Y</b>
<b>E</b>	<b>J</b>	<b>record</b> 3:7 <b>Reeves</b> 1:15 <b>REMA</b> 1:22 <b>Retailer</b> 1:7 <b>right</b> 3:3 4:10,16,17,18 5:11,13,18,21 <b>Room</b> 1:15	<b>Yeah</b> 5:2
	<b>JAMES</b> 1:21 <b>JR</b> 1:20	<b>S</b>	<b>Z</b>
	<b>K</b>	<b>second</b> 6:3,4 <b>seconded</b> 6:6 <b>SHORT</b> 1:21 <b>Show</b> 1:7 6:19 <b>sign</b> 6:11 <b>Silverstein</b> 1:21 6:4,5 <b>sir</b> 4:21 5:7 6:12,17 <b>sit</b> 6:17 <b>SR</b> 1:20 <b>Steps</b> 1:9 <b>Street</b> 1:7,15 <b>Suite</b> 1:16 <b>suspended</b> 4:12 5:6 6:3	<b>0</b>
	<b>Kimberly</b> 3:16 <b>know</b> 4:11		<b>00635</b> 3:5
	<b>L</b>	<b>0</b>	<b>1</b>
	<b>license</b> 1:8 3:5 5:6 6:2 <b>Licensee</b> 2:11 <b>Litter</b> 1:11 <b>Louise</b> 2:12 3:14		<b>1355</b> 1:7 <b>14th</b> 1:15 <b>17-CMP-</b> 3:4 <b>17-CMP-00635</b> 1:8
	<b>M</b>		<b>2</b>
	<b>M-C-G-O-V-E-R-N</b> 3:9 <b>matter</b> 1:5 5:19 6:10 <b>matters</b> 3:20 <b>McGOVERN</b> 2:11 3:8,9 3:12,13 4:4,13,17,18 4:19,22,22 5:1,9,15 5:20 6:13 <b>MEETING</b> 1:3 <b>Member</b> 1:19,20,20,21 1:21,22 6:4 <b>met</b> 1:15 <b>MIKE</b> 1:21 <b>minute</b> 6:17 <b>morning</b> 3:11,13,18 5:2 <b>motion</b> 5:22 6:6		<b>2</b> 1:13 <b>2000</b> 1:15 <b>20009</b> 1:16 <b>2018</b> 1:13
	<b>N</b>		<b>3</b>
			<b>30</b> 4:15 <b>350</b> 4:2 5:4 6:1
			<b>4</b>
			<b>400S</b> 1:16
			<b>5</b>
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			<b>6A</b> 1:7
			<b>7</b>
			<b>7-0-0</b> 6:10

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83695 1:8 3:5

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9:45 3:2

9:48 6:20



C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Biergarten Haus, Inc.

Before: Alcoholic Beverage Control Board

Date: 05-02-18

Place: Washington, D.C.

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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