

ALSO PRESENT:

AMY SCHMIDT, OAG

MATT DEVENDORF, Licensee Attorney

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

2 9:43 a.m.

3 CHAIRPERSON ANDERSON: Let me go out
4 of order, so I'm going to go out of order since
5 Ms. Yohannes is saying that she is going to be
6 here at 10:30.

7 So let's call Case No. 18-251-00158,
8 DC Eagle, License No. 93984.

9 MS. SCHMIDT: Good morning. Amy
10 Schmidt, Assistant Attorney General, on behalf of
11 the District of Columbia.

12 CHAIRPERSON ANDERSON: Good morning,
13 Ms. Schmidt.

14 MR. DEVENDORF: Good morning. Matt
15 Devendorf on behalf of DC Eagle.

16 CHAIRPERSON ANDERSON: Good morning,
17 Mr. Devendorf.

18 All right. Are there any preliminary
19 matters in this case?

20 MS. SCHMIDT: Yes, yes, there is. In
21 this case we have an Offer in Compromise which
22 consists of a \$2,000 fine to be paid -- I'm

1 sorry, how many days did you --

2 MR. DEVENDORF: You had offered 90.

3 MS. SCHMIDT: Okay. Within 90 days
4 and if it's not paid within 90 days, then the
5 license shall be suspended until it is paid.

6 And there is a seven day suspension
7 with all days served. However, the attorney for
8 DC Eagle will speak to that.

9 CHAIRPERSON ANDERSON: Go ahead,
10 please.

11 MR. DEVENDORF: So my client had not
12 picked out days to serve yet. They are trying to
13 figure out when it would fit. We were hoping we
14 could get back to the Board some time soon, maybe
15 even today if that works for the Board and ABRA
16 staff?

17 CHAIRPERSON ANDERSON: All right. The
18 Board -- all right. Okay. I mean normally I
19 would say -- but since we are going to issue a
20 Board Order, so we are going to issue a Board
21 Order in this matter, so I mean, this particular
22 case that's fine, since we will be issuing a

1 Board Order.

2 All right. So the agreement then is
3 that there is a \$2,000 fine payable in 90 days.
4 And the seven days suspension, all days served.
5 And the licensee will provide us the dates?

6 MR. DEVENDORF: Oh, yeah, so within a
7 month. The days served will be some time within
8 the next month was what --

9 MS. SCHMIDT: Yes, yes.

10 CHAIRPERSON ANDERSON: All right. So
11 the days served, the days that will be provided
12 will be within the next 30 days. All right.

13 So then I will say is your client
14 aware that by accepting an Offer in Compromise,
15 that they are giving up their right to a hearing?

16 MR. DEVENDORF: Yes.

17 CHAIRPERSON ANDERSON: And is your
18 client aware that by accepting an Offer in
19 Compromise, that they are giving up their right
20 to appeal this matter?

21 MR. DEVENDORF: Yes.

22 CHAIRPERSON ANDERSON: All right.

1 With that said I then make a motion that the
2 Offer in Compromise of a fine of \$2,000 payable
3 within 90 days be accepted. That there will also
4 be a seven day suspension and all seven days will
5 be served. The seven days to be served will be
6 within the next month.

7 However, the licensee will provide the
8 Board --

9 MR. DEVENDORF: Actually, I'm sorry,
10 wait. When we were speaking earlier, did we --
11 can we get two months to serve?

12 CHAIRPERSON ANDERSON: All right. I'm
13 sorry, go ahead.

14 MR. DEVENDORF: I'm sorry. I am
15 trying to make sure everyone is on the same page.
16 Is it possible to do two months to serve?

17 CHAIRPERSON ANDERSON: That's between
18 you and the Government.

19 MR. DEVENDORF: Right. Is it possible
20 to serve those within two months, just so that --

21 MS. SCHMIDT: No, no, they have to be
22 consecutive.

1 MR. DEVENDORF: No, no, I know that.
2 But is it possible to pick the seven days
3 within --

4 MS. SCHMIDT: That's up to -- if the
5 Board allows within the next two months, that's
6 fine. It's up to the Board.

7 MR. DEVENDORF: Sorry for the last
8 minute insert there.

9 MS. SCHMIDT: Within the next two
10 months if the Board --

11 MR. DEVENDORF: If it was two months,
12 that would be better.

13 CHAIRPERSON ANDERSON: All right.
14 Okay. So the Offer in Compromise is that there
15 is a fine of \$2,000 payable within 90 days. That
16 there is a seven day suspension, all seven days
17 will be served. And the seven days will be
18 served consecutively. However, it will be either
19 in the month of March or April. Is that correct?

20 MR. DEVENDORF: Sorry about the
21 confusion.

22 MS. SCHMIDT: Yes.

1 CHAIRPERSON ANDERSON: That prior to
2 the Board issuing a Board Order on this matter,
3 the licensee will provide the seven consecutive
4 days that the license will be suspended. Is that
5 the Offer in Compromise, sir?

6 MR. DEVENDORF: Yes.

7 CHAIRPERSON ANDERSON: All right.
8 Then I then make a motion that the Offer in
9 Compromise of a fine of \$2,000 payable within 90
10 days be accepted. A seven day suspension, the
11 seven consecutive day suspension, those days will
12 be provided, to be served within the next --
13 either in the month of March or April of 2019.
14 Those days will be provided to the Board prior to
15 the issuance of the Board Order.

16 Is there a second?

17 MEMBER SHORT: Second.

18 CHAIRPERSON ANDERSON: Mr. Short has
19 seconded the motion.

20 All those in favor say aye.

21 ALL: Aye.

22 CHAIRPERSON ANDERSON: All those

1 opposed? The matter passes 6-0-0.

2 Thank you very much and we will be
3 issuing a Board Order.

4 And when will you provide the Board
5 with the days?

6 MR. DEVENDORF: If we can get back to
7 you later today, is there --

8 CHAIRPERSON ANDERSON: You can provide
9 the dates to the -- all right. You need to
10 provide us the dates by 2:00 p.m. today. If the
11 dates are not provided to us by 2:00 p.m. today,
12 the Board will establish the days it has to be
13 served.

14 MR. DEVENDORF: Okay.

15 CHAIRPERSON ANDERSON: Is that good?
16 All right. Thank you.

17 MR. DEVENDORF: Thanks. Sorry for
18 that.

19 CHAIRPERSON ANDERSON: We're off the
20 record.

21 (Whereupon, the Show Cause (Status)
22 Hearing was concluded at 9:48 a.m.)

<p style="text-align: center;">A</p> <p>a.m 3:2 9:22 ABRA 4:15 accepted 6:3 8:10 accepting 5:14,18 agreement 5:2 ahead 4:9 6:13 ALBERTI 1:19 Alcoholic 1:2,14,14 Allowed 1:9 allows 7:5 Amy 2:11 3:9 ANC 1:7 Anderson 1:16,18 3:3,12,16 4:9,17 5:10,17,22 6:12 6:17 7:13 8:1,7,18 8:22 9:8,15,19 appeal 5:20 April 7:19 8:13 Assistant 3:10 attorney 2:12 3:10 4:7 aware 5:14,18 aye 8:20,21</p>	<p>6:12,17 7:13 8:1,7 8:18,22 9:8,15,19 client 4:11 5:13,18 Columbia 1:1 3:11 Compromise 3:21 5:14,19 6:2 7:14 8:5,9 concluded 9:22 confusion 7:21 consecutive 6:22 8:3,11 consecutively 7:18 consists 3:22 Control 1:2,14,14 correct 7:19 CT 1:7</p>	<p>fine 3:22 4:22 5:3 6:2 7:6,15 8:9 fit 4:13</p>	<p>met 1:14 MIKE 1:20 minute 7:8 month 5:7,8 6:6 7:19 8:13 months 6:11,16,20 7:5,10,11 morning 3:9,12,14 3:16 motion 6:1 8:8,19</p>
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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: Eagle N Exile, t/a DC Eagle

Before: DC ABRA

Date: 03-13-19

Place: Washington, DC

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



Court Reporter

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