

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

9:53 a.m.

CHAIRPERSON ANDERSON: The next matter on our Show Cause Hearing (Status) Calendar is Case No. 17-CC-00100, Dacha Beer Garden, License No. 92773.

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

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

CHAIRPERSON ANDERSON: Good morning, Ms. Schmidt.

MR. KLINE: Andrew Kline for the licensee.

CHAIRPERSON ANDERSON: Good morning, Mr. Kline.

MR. KLINE: Good morning.

CHAIRPERSON ANDERSON: Are there any preliminary matters in this case?

MS. SCHMIDT: None to state.

MR. KLINE: There are not at this

1 time. I do have one issue which is in order to
2 properly advise our client, we need an unredacted
3 copy of the report. I don't know if that request
4 had previously been made through legal, because I
5 did not handle it, but I would request that the
6 Board adopt some sort of policy in this case, as
7 I know there are privacy concerns.

8 But when there are charges pending
9 against an applicant, it seems only reasonable
10 that they get the complete report, except for
11 Social Security Numbers and other sensitive
12 information like that.

13 In this case, it's pertinent in terms
14 of the report and what is in there in order for
15 the applicant to make a decision on an Offer in
16 Compromise.

17 CHAIRPERSON ANDERSON: I have not seen
18 the report, so do you know what he is talking
19 about, Ms. Schmidt?

20 MS. SCHMIDT: Yes, there is a picture
21 of an undercover minor.

22 CHAIRPERSON ANDERSON: So what is it

1 that you are asking for, Mr. Kline?

2 MR. KLINE: The picture.

3 CHAIRPERSON ANDERSON: Why do you need
4 the picture?

5 MR. KLINE: Well, there are
6 allegations that are made concerning the
7 appearance of the undercover and it seems only
8 fair if that is going to be taken into account in
9 terms of the appropriate penalty, that the
10 applicant know what is being talked about.

11 CHAIRPERSON ANDERSON: But, Mr. Kline,
12 I don't think -- it doesn't really matter what
13 the appearance of the minor is. Whether or not--
14 I mean, I believe that you have/your client has a
15 responsibility to check IDs. And so it doesn't
16 matter what the person looked like.

17 Whether or not the person looked 10
18 years-old or 100 years-old, you need to look at
19 an ID to ascertain how old the person is. And I
20 don't think that that is something that we need
21 to show you the picture to say because a person
22 looked like my grandmother, so therefore I did

1 not have to check her ID? No, that's -- I do not
2 agree with that and I would not support that
3 information being provided to --

4 MR. KLINE: Okay.

5 CHAIRPERSON ANDERSON: -- the
6 licensee. I don't -- and as I said before, if it
7 was maybe a different type of issue, but I think
8 if we are talking about a sale to minor
9 violation, it is the licensee's obligation to
10 check the ID. It doesn't matter what the person
11 looks like.

12 And I have said this to everyone here
13 and I'm not a proponent of a Costco. But if you
14 go to Costco to go buy liquor, it doesn't matter
15 what you look like, everyone has to provide
16 identification before they will provide it to
17 you. And that is a model that every one of these
18 establishments should follow. And if they follow
19 that, we will never have another sale to minor.

20 So I would not -- if that is the issue
21 that you are asking for, I would not support that
22 information be disclosed to you.

1 MR. KLINE: Mr. Chairman, that's fine.
2 And I don't disagree with what you are saying.
3 However, then I presume the Board will not take
4 into account the appearance of the minor in
5 determining the penalty.

6 CHAIRPERSON ANDERSON: I would -- I am
7 not going to, at least. I don't know what the --

8 MR. KLINE: The Board in the past has
9 done that.

10 CHAIRPERSON ANDERSON: Well, as Chair,
11 I'm not going to and I would advise the rest of
12 my Board Members that that's irrelevant, what the
13 person looks like. What we need to do is to look
14 at the ID and make sure that the person matches
15 the ID.

16 But so I don't care. I'm not --
17 that's irrelevant to me. I'm not going to look
18 at that.

19 MR. KLINE: All right. Then I'm
20 presuming that the Board will not receive an
21 unredacted copy of the report as well and will
22 not rely on that if this case moves forward to a

1 hearing.

2 CHAIRPERSON ANDERSON: Normally, as I
3 said before, we do not see what the minors look
4 like ourselves. I mean, that's -- and I'll say
5 this to you. In previous case, at least for the
6 first year and a half that I was on the Board, I
7 never saw what the minors looked like. I thought
8 at one point someone had asked for it and as of
9 recently, some of the reports have the pictures
10 of the minor.

11 But at least in reviewing these
12 reports, I -- that's irrelevant to me.

13 MR. KLINE: Okay.

14 CHAIRPERSON ANDERSON: Because some
15 look old enough, some doesn't, but that's
16 irrelevant to me.

17 MR. KLINE: Okay.

18 CHAIRPERSON ANDERSON: So --

19 MR. KLINE: In our conversations in
20 terms of working out an OIC, we can certainly
21 take that into account that those are irrelevant
22 or not an issue.

1 CHAIRPERSON ANDERSON: It will -- at
2 least in advising my Board Members, I would
3 advise them that that is irrelevant.

4 MR. KLINE: Okay.

5 CHAIRPERSON ANDERSON: Okay.

6 MR. KLINE: Thank you. I would ask
7 though from a general policy standpoint that the
8 Board look at this issue, because it's not only
9 in this case, but, for example, in noise cases
10 where the noise complaint came from and in other
11 cases, it's frequently important for the accused,
12 in this case, to have the details.

13 MS. SCHMIDT: Okay.

14 MR. KLINE: So I would ask that the
15 Board, as a general matter, just look that up.

16 CHAIRPERSON ANDERSON: I mean, in
17 those cases, I will agree with you, but as I said
18 before, a sale to minor it's like you go -- you
19 are either 21 or you're not.

20 MR. KLINE: Right.

21 CHAIRPERSON ANDERSON: And so it
22 doesn't matter what you look like.

1 Unfortunately, there are some young people out
2 there who look the part. And as they say, it
3 doesn't really matter that you say that, you
4 know, they look the part. If they are not the
5 age, you are contrite.

6 MEMBER ALBERTI: Can I ask?

7 CHAIRPERSON ANDERSON: Yes, Mr.

8 Alberti.

9 MEMBER ALBERTI: Mr. Kline, and I
10 guess the Government's attorney, you are all
11 aware of the process for screening people who are
12 minors? This was a compliance check, I assume.

13 MR. KLINE: Correct.

14 MEMBER ALBERTI: Okay. Are you aware
15 of the procedures that are used to screen the
16 minors for inclusion in this -- to work with this
17 -- these compliance check operations?

18 MR. KLINE: Yes, I believe I am.

19 MEMBER ALBERTI: Okay. Very good.
20 Thank you. And the Board is aware of those, too.

21 MR. KLINE: Right.

22 MEMBER ALBERTI: Thank you. And we

1 will, and I will personally consider that as part
2 of my decision.

3 MR. KLINE: Right. But that's true in
4 every sale to minor --

5 MEMBER ALBERTI: That's -- yes. Thank
6 you.

7 MR. KLINE: -- case involving the
8 compliance check.

9 MEMBER ALBERTI: So we are on the same
10 page then.

11 MR. KLINE: Right.

12 CHAIRPERSON ANDERSON: All right.

13 MR. KLINE: Thank you.

14 CHAIRPERSON ANDERSON: All right.

15 April -- I'm sorry, this matter is scheduled for
16 April 4th at 11:00 a.m.

17 MR. KLINE: Great. Thank you.

18 CHAIRPERSON ANDERSON: Thank you. All
19 right.

20 (Whereupon, the Show Cause (Status)
21 Hearing was concluded at 10:00 a.m.)
22

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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: Daci Enterprises, LLC

Before: DC ABRA

Date: 03-14-18

Place: Washington, DC

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Court Reporter

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