

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

IN THE MATTER OF: :
:
PFM Restaurants, LLC :
t/a District Anchor :
1900 M Street NW : Show Cause
Retailer CN - ANC 2B : Hearing (Status)
License No. 100517 :
Case #18-CMP-00029 :
:
(Operating After Hours, :
Interfered in an :
Investigation, Permitted :
the Consumption of :
Alcohol Beverages on the :
Licensed Premises Beyond :
Authorized Hours) :

Wednesday
May 23, 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
MIKE SILVERSTEIN, Member
JAMES SHORT, Member

ALSO PRESENT:

JONATHAN FARMER, Licensee

LOUISE PHILLIPS, DC OAG

JESSICA GUNZEL, DC OAG

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

2 9:49 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 on our calendar is Case No. 18-CMP-00029,
5 District Anchor, License No. 100517.

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

8 MS. PHILLIPS: Good morning again.
9 Louise Phillips, Assistant Attorney General for
10 the District of Columbia. And Jessica Gunzel.

11 CHAIRPERSON ANDERSON: Ms. Phillips,
12 Ms. Gunzel.

13 MR. FARMER: Jonathan Farmer on behalf
14 of District Anchor.

15 CHAIRPERSON ANDERSON: Good morning,
16 Mr. Farmer.

17 Are there any preliminary matters in
18 this case?

19 MS. PHILLIPS: Yes, Mr. Chair, there
20 are. The parties have an Offer in Compromise to
21 present to the Board.

22 CHAIRPERSON ANDERSON: And what is

1 that, ma'am?

2 MS. PHILLIPS: It is a fine of \$3,000.
3 Charge 3 is to be dismissed and Charge 4 is to
4 have a written warning to be paid within 30 days.

5 CHAIRPERSON ANDERSON: I'm sorry, you
6 said Charge 3 to be dismissed?

7 MS. PHILLIPS: Yes. And Charge 4 was
8 a written warning.

9 CHAIRPERSON ANDERSON: 4 written
10 warning.

11 MS. PHILLIPS: The other two charges
12 it's equally divided.

13 CHAIRPERSON ANDERSON: Okay. Let me
14 ask -- I just want to ask --

15 MS. PHILLIPS: I'm sorry?

16 CHAIRPERSON ANDERSON: What was Charge
17 4, please?

18 MS. PHILLIPS: Let me look and I'll
19 tell you.

20 MEMBER ALBERTI: Our notes are
21 lacking, that's why.

22 MS. PHILLIPS: Oh, that's all right.

1 You know, I just have to look a little harder,
2 since it's not my case.

3 Charge 4 was failure to submit a
4 security plan, which apparently was, from what
5 I'm told by the attorney, they are under a wrong
6 tab or something like that.

7 CHAIRPERSON ANDERSON: So you are
8 saying that there is -- the security plan is in--
9 was submitted? I'm just asking this.

10 MS. PHILLIPS: That's what I'm told.
11 I'll let the lawyer speak for the establishment.

12 CHAIRPERSON ANDERSON: I'm just trying
13 to get some clarification. So what's going on
14 with the -- just -- this is just on Charge 4
15 about the security plan.

16 MR. FARMER: District Anchor is the
17 former Rumors. The security plan was in place
18 under the name Rumors. We changed the name
19 properly to District Anchor, so it is now -- the
20 plan has been resubmitted under the name District
21 Anchor.

22 CHAIRPERSON ANDERSON: So do you know

1 when was the security plan provided to the
2 Agency?

3 MR. FARMER: Yesterday.

4 CHAIRPERSON ANDERSON: Yesterday?

5 MR. FARMER: Yep.

6 CHAIRPERSON ANDERSON: Mr. Farmer, you
7 know, I like when I come to Court and I ask when,
8 okay, so when was something done? Well, it was
9 done yesterday or it was done this morning.
10 Okay. You know, Mr. Farmer, as a Member of the
11 Bar, I will -- I don't have any acknowledgement
12 that it was done. I will take your
13 representation that that was done yesterday.

14 So we are fine. All right.

15 MEMBER ALBERTI: May I ask a quick
16 question?

17 CHAIRPERSON ANDERSON: Yes, go ahead,
18 Mr. Alberti.

19 MR. FARMER: So the problem with
20 getting that reproduction, the equipment was
21 down, so it was sent to me. I made the changes
22 and submitted it.

1 CHAIRPERSON ANDERSON: Yes, Mr.
2 Alberti?

3 MEMBER ALBERTI: So I'm hearing from
4 our legal staff that there is some confusion and
5 we are not sure we have it. So to whom did you
6 submit it? I'm not saying you didn't, but we are
7 just trying to figure out where it is at.

8 MR. FARMER: At the front desk is what
9 -- is the -- where.

10 CHAIRPERSON ANDERSON: Who submitted
11 it?

12 MEMBER ALBERTI: So who --

13 CHAIRPERSON ANDERSON: Who submitted
14 it, Mr. Farmer?

15 MR. FARMER: Physically?

16 CHAIRPERSON ANDERSON: Yes.

17 MR. FARMER: My paralegal.

18 CHAIRPERSON ANDERSON: Okay.

19 MEMBER ALBERTI: Okay. Could you --
20 all right. Well, we will find it. In the
21 future, I think I'm hearing the request should be
22 that you submit it to our legal staff.

1 MR. FARMER: Okay.

2 MEMBER ALBERTI: If you can do that in
3 the future.

4 MR. FARMER: Okay.

5 MEMBER ALBERTI: Just FYI.

6 MR. FARMER: I'll email a copy.

7 MEMBER ALBERTI: If we know where it
8 is, we'll find it.

9 MR. FARMER: Okay. Great.

10 MEMBER ALBERTI: Thank you.

11 MR. FARMER: Thanks.

12 MEMBER ALBERTI: All right.

13 CHAIRPERSON ANDERSON: All right.

14 Let's go back to the OIC. All right. So the OIC
15 -- sorry, when will the payment be made?

16 MS. PHILLIPS: 30 days.

17 CHAIRPERSON ANDERSON: 30 days. All
18 right. All right. Mr. Farmer, it's my
19 understanding that there is an Offer in
20 Compromise and the Offer in Compromise is that
21 there is a fine of \$3,000. And the fine breaks
22 up into for Charge 1 there is a fine of \$1,500.

1 For Charge 2, a fine of \$1,500. That Charge 3
2 will be dismissed and a mandatory warning, a
3 warning will be issued for Charge 4.

4 It's my understanding that the fine
5 will be payable in 30 days. If it's not payable
6 in 30 days, the license will be suspended if it's
7 not -- until the fine has been paid. Is this
8 your understanding of the Offer in Compromise?

9 MR. FARMER: Yes, it is.

10 CHAIRPERSON ANDERSON: Is your client
11 aware that by accepting an Offer in Compromise,
12 that they are giving up their right to a hearing?

13 MR. FARMER: Yes, he is.

14 CHAIRPERSON ANDERSON: And that if by
15 accepting an Offer in Compromise, that they are
16 giving up their right to appeal this matter?

17 MR. FARMER: Yes, he is.

18 CHAIRPERSON ANDERSON: Thank you.
19 Hearing this, I then make a motion that the Offer
20 in Compromise of a fine of \$1,500 for Charge 1,
21 \$1,500 for Charge 2, Charge 3 will be dismissed,
22 a warning will be issued for Charge 4, that the

1 fine will be issued within -- the fine must be
2 paid within 30 days. If the fine is not paid
3 within 30 days, the license will be suspended
4 until compliance. Is there a second?

5 MEMBER SHORT: Second.

6 CHAIRPERSON ANDERSON: Mr. Short has
7 seconded the motion.

8 All those --

9 MEMBER ALBERTI: May I just briefly?

10 CHAIRPERSON ANDERSON: Any -- all
11 right. Mr. -- all right. Is there any --

12 MEMBER ALBERTI: Well, I'm just --

13 CHAIRPERSON ANDERSON: Yes, Mr.
14 Alberti?

15 MEMBER ALBERTI: I'll make my comment
16 after, if I may. All right.

17 CHAIRPERSON ANDERSON: All right.

18 MEMBER ALBERTI: After we vote.

19 CHAIRPERSON ANDERSON: All those in
20 favor say aye.

21 ALL: Aye.

22 CHAIRPERSON ANDERSON: All those

1 opposed? All right. The matter passed 5-0-0.

2 The Board will issue a Board Order on
3 this matter. One thing before Mr. Alberti
4 speaks, I just want to remind the parties, since
5 Charge 4 was dismissed, it's our understanding
6 that the licensee has provided the security plan
7 to the Agency. And so although it's not part of
8 the OIC, but I just want to make sure that the
9 licensee is aware that they are supposed to
10 provide us with a legally-compliant security
11 plan.

12 All right. Yes, Mr. Alberti?

13 MEMBER ALBERTI: Mr. Farmer, I am
14 asking that you impress upon your client the
15 seriousness of these charges.

16 MR. FARMER: Right.

17 MEMBER ALBERTI: I mean, they seem to
18 be getting off to a bad start here. This is a
19 fairly new licensee. I don't know when he got a
20 license, but it is fairly new and this is
21 happening quickly and it gives me pause when I
22 see a new licensee with these kind of violations,

1 not knowing how to get -- not even cooperating
2 and trying to get the video to us along with the
3 other charges, it gives me pause.

4 MR. FARMER: Understood. The
5 explanation of circumstances, I don't want to --
6 I don't have to go into at this point, but it's--
7 let me -- I will -- from my standpoint, the
8 charges are not as they seem, to make a long
9 story short.

10 This is not --

11 MEMBER ALBERTI: Maybe not, it may be
12 true, but the reports are is that non-response to
13 our Investigators when they contact them, is not
14 acceptable.

15 MR. FARMER: Right.

16 MEMBER ALBERTI: And I'm not sure that
17 you can explain that away.

18 MR. FARMER: Well, if my client was
19 here, he would have said that he did respond, but
20 there was not -- it's, you know, who said/he
21 said.

22 MEMBER ALBERTI: All right.

1 MR. FARMER: So --

2 MEMBER ALBERTI: All right.

3 MR. FARMER: Yeah.

4 MEMBER ALBERTI: All right. So --

5 MR. FARMER: Yes, it has been

6 impressed upon --

7 MEMBER ALBERTI: -- as long as he

8 understands.

9 MR. FARMER: Yes.

10 MEMBER ALBERTI: That's what is

11 important.

12 MR. FARMER: Yes.

13 MEMBER ALBERTI: All right. So that

14 it doesn't happen in the future.

15 MR. FARMER: Understood. The message

16 will be relayed.

17 MEMBER ALBERTI: Thank you.

18 CHAIRPERSON ANDERSON: And one thing

19 I'll say, Mr. Farmer, as an aside for you to

20 alert your clients, since I'm now being told that

21 this is a new licensee, the Agency is having a

22 training later on, early -- in early June for the

1 dos and don'ts. And so as a new licensee, I
2 would impress it upon your client to make him or
3 herself available in June to come to the
4 training.

5 I would prefer if -- I would hope that
6 there are no previous -- any other violations,
7 but at least if a person comes to the training,
8 then they can say I came to the trainer, I
9 misunderstand. So I just want to let you know
10 that. Okay?

11 MR. FARMER: Just so you understand,
12 what we have here is a license transfer.

13 CHAIRPERSON ANDERSON: Yeah, I'm not--
14 this is not in the merits of the case. It's just
15 the case is over. This is just as an aside.

16 MR. FARMER: Okay.

17 CHAIRPERSON ANDERSON: That's all.

18 It's --

19 MR. FARMER: Understood.

20 CHAIRPERSON ANDERSON: -- all the
21 comments you heard, we accepted the OIC and this
22 is just we are giving -- at least I am giving

1 editorial advice to say we have a training coming
2 up. It's something that I would hope that this
3 licensee makes him or herself available.

4 MR. FARMER: Understood.

5 CHAIRPERSON ANDERSON: Okay. All
6 right. Thank you very much.

7 We are issuing a Board Order in that
8 case -- in your previous case, Mr. Farmer.

9 MR. FARMER: Okay. I thought I had to
10 sign the --

11 CHAIRPERSON ANDERSON: No, because we
12 are issuing a Board Order, so you don't have to
13 do anything.

14 MR. FARMER: All right. Thank you.

15 CHAIRPERSON ANDERSON: So it's 30 days
16 from the issuance of the Board Order, so --

17 MR. FARMER: Thanks.

18 CHAIRPERSON ANDERSON: All right.

19 Thank you.

20 (Whereupon, the Show Cause (Status)
21 Hearing was concluded at 9:58 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: District Anchor

Before: DCABRA

Date: 05-23-18

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

NEAL R. GROSS

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