

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF: :
 :
New York Avenue Beach Bar, :
LLC, :
t/a Halftime Sports Bar :
1427 H Street, NE : Show Cause
Retailer CT - ANC 6A : Hearing (Status)
License No. 94107 :
Case #17-CMP-00617 :
 :
(Substantial Change in :
Operation Without Board :
Approval) :

Wednesday
January 24, 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:

DWAYNE FARWELL, General Manager

KIMBERLY ROSE, Licensee

AMY SCHMIDT, OAG

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

2 10:05 a.m.

3 CHAIRPERSON ANDERSON: All right.

4 Let's move on to our Show Cause Hearing (Status).

5 The first case on our Show Cause Hearing (Status)

6 is Case No. 17-CMP-00617, Halftime Sports Bar,

7 License No. 94107.

8 Will the parties, please, approach and

9 identify themselves for the record, please?

10 MS. SCHMIDT: Good morning. Amy

11 Schmidt, Assistant Attorney General on behalf of

12 the District of Columbia.

13 MS. ROSE: Good morning. Kimberly

14 Rose.

15 CHAIRPERSON ANDERSON: Ms. Rose. Good

16 morning, Ms. Schmidt. And who are you, Ms. Rose?

17 MS. ROSE: Owner of Halftime. The

18 majority owner.

19 CHAIRPERSON ANDERSON: Okay. And you,

20 sir?

21 MR. FARWELL: I'm Dwayne Farwell.

22 This is my wife. I'm the general manager.

1 CHAIRPERSON ANDERSON: Good morning,
2 Mr. Farwell.

3 Are there any preliminary matters in
4 this case?

5 MS. SCHMIDT: One question. Where is
6 Mr. Gram, because that's a person we reached out
7 to.

8 MR. FARWELL: Yes, well --

9 MS. ROSE: He is a minority owner.

10 MS. SCHMIDT: All right. All right.

11 CHAIRPERSON ANDERSON: Do you guys
12 need to talk?

13 MS. SCHMIDT: Yes, for one minute if
14 we can.

15 CHAIRPERSON ANDERSON: Well, why --
16 hold on. Hold on a minute.

17 MS. SCHMIDT: No, we don't need to
18 talk. We're good.

19 CHAIRPERSON ANDERSON: Huh?

20 MS. SCHMIDT: We are good.

21 CHAIRPERSON ANDERSON: You're good?

22 MS. SCHMIDT: We're good.

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

3 MS. SCHMIDT: Yes. Yes, there are.

4 CHAIRPERSON ANDERSON: What's the
5 preliminary matter?

6 MS. SCHMIDT: The Offer in Compromise
7 is that the establishment will get a warning and
8 since -- they are only approved to operate on the
9 first floor. However, since they have been
10 operating the second -- they have been operating
11 on the second floor on Fridays and Saturdays,
12 they are to cease and desist operating the second
13 floor until they are approved by the Board.

14 And they are to submit an expansion
15 request to operate the second floor.

16 CHAIRPERSON ANDERSON: Ms. Rose, it's
17 my understanding that there is an Offer in
18 Compromise. And the Offer in Compromise is that
19 you will be issued a written warning for the
20 charge and that you will cease and desist from
21 operating on the second floor until you have
22 submitted an application to the ABC Board and the

1 ABC Board have approved this application for the
2 expansion on the second floor.

3 Is this your understanding, ma'am, of
4 the Offer in Compromise?

5 MS. ROSE: Yes.

6 CHAIRPERSON ANDERSON: Are you aware
7 that by accepting an Offer in Compromise that you
8 are giving up your right to a hearing?

9 MS. ROSE: Yes.

10 CHAIRPERSON ANDERSON: Are you aware
11 that also by accepting an Offer in Compromise
12 that you are giving up your right to appeal this
13 matter?

14 MS. ROSE: Yes.

15 CHAIRPERSON ANDERSON: All right.
16 With this, I make a motion that the Offer in
17 Compromise be accepted, that a written warning be
18 issued, that the licensee will cease and desist
19 from operating on the second floor and that they
20 will submit an application to expand the premises
21 to the ABC Board. And that -- is there a second?

22 MEMBER SHORT: Second.

1 CHAIRPERSON ANDERSON: Mr. Short has
2 seconded the motion. Any questions by any Board
3 Members?

4 All in favor say aye.

5 ALL: Aye.

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

8 Are we going to issue an order? So we
9 will issue a Board Order. So what that means,
10 ma'am, is that you have agreed that you will
11 cease and desist from operating on the second
12 floor --

13 MS. ROSE: Yes.

14 CHAIRPERSON ANDERSON: -- until such
15 time as the Board has -- you have provided an
16 application and we have signed off to approve it.
17 Are you -- do you understand?

18 MS. ROSE: Yes, I do.

19 CHAIRPERSON ANDERSON: All right.
20 Well, thank you very much. So therefore, you
21 will receive a cease and -- you will receive a
22 written order that tells you what it is that you

1 have agreed to do today. Okay. Thank you.

2 MS. ROSE: Thank you.

3 CHAIRPERSON ANDERSON: All right.

4 (Whereupon, the Show Cause (Status)

5 Hearing was concluded at 10:09 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: New York Avenue Beach Bar, LLC

Before: DC ABRA

Date: 01-24-18

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.

Neal R Gross

Court Reporter

NEAL R. GROSS

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