

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF: :
 :
1336 U Street, LLC, :
t/a Hawthorne :
1336 U Street NW : Show Cause
Retailer CT - ANC 1B : Hearing (Status)
License No. 99603 :
Case #18-CMP-00181 :
 :
(Offering Entertainment :
After Board Approved :
Entertainment Hours, :
Violation of Settlement :
Agreement) :

Wednesday,
January 16, 2019

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
- REMA WAHABZADAH, Member

ALSO PRESENT:

FRANCIS BROGAN, Licensee

AMY SCHMIDT, OAG

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

2 10:09 a.m.

3 CHAIRPERSON ANDERSON: All right. The
4 next case on our calendar is Case No. 18-CMP-
5 00181, Hawthorne, License No. 99603.

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

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

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

13 MR. BROGAN: Good morning. Francis
14 Brogan, managing member of the licensee.

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

17 Are there any preliminary matters in
18 this case?

19 MS. SCHMIDT: Yes, there is. In this
20 case, first of all, the Government will be -- for
21 Charge 1 to place a citation, DC Official Code §
22 25-823(a)(7) with Citation DC Official Code §

1 113(a) and then once that is -- then there will
2 be a \$600 fine to be paid within 30 days or his
3 license will be suspended until his fine is paid.

4 CHAIRPERSON ANDERSON: All right. Mr.
5 Brogan, do you have any objection to what was --

6 MR. BROGAN: We accept the offer. We
7 ask that the Board submit the order today, so we
8 can pay on the spot.

9 CHAIRPERSON ANDERSON: All right. All
10 right. There are -- I just want to -- Ms.
11 Schmidt, there are actually two charges in this.
12 So is the Government --

13 MS. SCHMIDT: Oh, I'm sorry.

14 CHAIRPERSON ANDERSON: -- dismissing
15 the second charge?

16 MS. SCHMIDT: Charge 2 is dismissed.

17 CHAIRPERSON ANDERSON: All right.

18 MS. SCHMIDT: I apologize.

19 CHAIRPERSON ANDERSON: All right. All
20 right. So, Mr. Brogan, it's my understanding
21 that -- well, the Government is asking to change
22 the statute and you say you don't have a problem

1 with that. You also stated that you are in
2 agreement with the \$600 fine for Charge 1 and
3 that Charge 2 will be dismissed. And you are
4 stating that you will pay the fine today. Is
5 that correct?

6 MR. BROGAN: Yes, sir.

7 CHAIRPERSON ANDERSON: All right.

8 With that said, I then make a motion that the
9 Offer in Compromise of a fine of \$600 for Charge
10 1 payable today, if the fine is not payable
11 today, the license will be suspended until the
12 fine has been paid and that Charge 2 will be
13 dismissed. Is there a second?

14 MEMBER SHORT: Second.

15 CHAIRPERSON ANDERSON: Mr. Short has
16 seconded the motion.

17 All those in favor say aye.

18 ALL: Aye.

19 CHAIRPERSON ANDERSON: Those opposed?
20 The matter passed 6-0-0. Thank you very much.

21 Sir, I'll have you sign some papers
22 and then you can go and pay the fine.

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MR. BROGAN: Thank you.

CHAIRPERSON ANDERSON: And this matter
will have moved on. Thank you.

(Whereupon, the Show Cause (Status)
Hearing was concluded at 10:11 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: 1336 U Street, LLC, t/a Hawthorne

Before: DC Alcoholic Beverage Control Board

Date: 01-16-19

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

NEAL R. GROSS

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