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IN THE MATTER OF:           :
                             :
RR4, LLC                     :
t/a RedRocks                 :
1348 H Street, NE,          : Show Cause
Retailer CR - ANC 6A         : Hearing
License No. 90997            :
Case #18-251-00131          :
                             :
(Allowed Establishment       :
to be Used for Unlawful     :
or Disorderly Purposes,     :
Failed to Frame ABC         :
License)                     :
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Wednesday,
October 3, 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.

DONOVAN W. ANDERSON, Chairperson
NICK ALBERTI, Member
BOBBY CATO, Member
MIKE SILVERSTEIN, Member
JAMES SHORT, Member

PATRICE CUNNINGHAM, Applicant
FERNANDO RIVERO, OAG

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

2 10:25 a.m.

3 CHAIRPERSON ANDERSON: All right. The
4 next case on our calendar is Case No. 18-251-
5 00131, Redrocks, License No. 90997.

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

8 MR. RIVERO: Good morning, Board
9 Members. Fernando Rivero for the District of
10 Columbia.

11 CHAIRPERSON ANDERSON: Good morning,
12 Mr. Rivero.

13 MS. CUNNINGHAM: Patrice Cunningham,
14 General Manager of Redrocks.

15 CHAIRPERSON ANDERSON: Good morning,
16 Ms. Cunningham.

17 Ms. Cunningham, I don't remember -- I
18 know I have seen your face before. Did you
19 provide us previously with a Letter of
20 Authorization?

21 MS. CUNNINGHAM: Yes.

22 CHAIRPERSON ANDERSON: Okay.

1 MR. RIVERO: The Government requested
2 a letter for this particular case, because my
3 understanding is that representation is on a
4 case-by-case basis, so no blanket.

5 CHAIRPERSON ANDERSON: Yes, right, no,
6 that's what I'm saying. That's why I was asking.
7 Okay. So do you have that? If you can provide
8 that, please.

9 MR. RIVERO: She does.

10 CHAIRPERSON ANDERSON: Yes. You can
11 give that to her, yes. I know it is, but it's --
12 I want to make sure that -- since I have seen
13 certain parties that I remember if it was done or
14 if it was a part of the record.

15 MR. RIVERO: The Government is
16 satisfied with the letter as well.

17 CHAIRPERSON ANDERSON: Thank you, Mr.
18 Rivero.

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

21 MR. RIVERO: There are. There are
22 two. The first preliminary matter would be a

1 correction to the record, based on a review of
2 the evidence.

3 The second preliminary matter would be
4 an Offer in Compromise to present to the parties.

5 So I will address the first one. With
6 respect to the Notice to Show Cause, Charge 1,
7 the charge is correct. There is a statement
8 concerning the evidence that was stricken and I
9 will read that statement now.

10 "The ABRA Investigator viewed police
11 video contradicting Ms. Miles as the video
12 records the promoter admitting to the reporting
13 police detective that he did not bring any
14 security employees." That turned out not to be
15 true, so we are making sure that it is stricken
16 from the record.

17 CHAIRPERSON ANDERSON: Okay. So.

18 MR. RIVERO: And the second
19 preliminary matter is an Offer in Compromise that
20 we bring to the Board, at this time. The offer
21 consists of:

22 For Charge 1, a \$4,000 fine payable in

1 two days -- excuse me, 60 days.

2 CHAIRPERSON ANDERSON: That's a
3 difference.

4 MR. RIVERO: Yeah. Not 2, 60. If the
5 payment is not made within 60 days, the license
6 will be suspended until payment is received.

7 Here is where the two comes in. A
8 suspension of the license for two days with one
9 day being served next Tuesday, October 9, 2018.
10 It being a day that the licensee is regularly
11 open to the public for business. And the second
12 day will be stayed for a period of one year,
13 pending no further violations.

14 Finally, the licensee will submit a
15 security plan to the Board within 45 days.

16 That's for Charge 1.

17 For Charge 2, a mandatory warning.
18 That is the Offer in Compromise.

19 CHAIRPERSON ANDERSON: All right.

20 Thank you, Mr. Rivero.

21 Okay. All right. Ms. Cunningham,
22 it's my understanding that there is an Offer in

1 Compromise and the Offer in Compromise is that
2 for Charge 1, there is a fine of \$4,000 payable
3 in 60 days. Also along with Charge 1, there will
4 be a two day suspension, one day will be stayed
5 for one year pending no further violation within
6 the year. The day to be served is October 9,
7 2018. October 9, 2018 is the day that will be
8 served.

9 Secondly or thirdly, that Redrocks
10 will provide a security plan to the Board within
11 45 days.

12 Charge 2, a mandatory warning will be
13 issued.

14 Is this your understanding of the
15 Offer in Compromise?

16 MS. CUNNINGHAM: Yes.

17 CHAIRPERSON ANDERSON: Are you aware
18 that by accepting an Offer in Compromise, that
19 you are giving up your right to a hearing?

20 MS. CUNNINGHAM: Yes.

21 CHAIRPERSON ANDERSON: Are you also
22 aware that by accepting an Offer in Compromise,

1 that you are giving up your right to appeal this
2 matter?

3 MS. CUNNINGHAM: Yes.

4 CHAIRPERSON ANDERSON: All right.
5 Hearing that, are there any questions by any
6 Board Members?

7 Hearing none, I make a motion that the
8 Offer in Compromise be accepted. For Charge 1 a
9 fine of \$4,000 payable in 60 days. Along with
10 Charge 1, there is a two day suspension, one day
11 will be stayed for one year pending no further
12 violations, one day will be served. The day that
13 will be served is October 9, 2018. That also the
14 establishment will provide the Agency with a
15 security plan within 45 days.

16 For Charge 2, a mandatory warning will
17 be issued. Is there a second?

18 MEMBER SILVERSTEIN: Second.

19 CHAIRPERSON ANDERSON: Mr. Silverstein
20 has seconded the motion.

21 All those in favor say aye.

22 ALL: Aye.

1 CHAIRPERSON ANDERSON: Those opposed?
2 The matter passes 5-0-0.

3 The Board will be issuing a Board
4 Order in this matter. All right. Thank you.

5 MR. RIVERO: Thank you.

6 CHAIRPERSON ANDERSON: All right.

7 (Whereupon, the Show Cause Hearing was
8 concluded at 10:32 a.m.)

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A a.m 2:2 8:8 ABC 1:10 ABRA 4:10 accepted 7:8 accepting 6:18,22 address 4:5 admitting 4:12 Agency 7:14 ALBERTI 1:18 Alcoholic 1:2,13,14 Allowed 1:8 ANC 1:6 Anderson 1:15,17 2:3 2:11,15,22 3:5,10,17 4:17 5:2,19 6:17,21 7:4,19 8:1,6 appeal 7:1 Applicant 1:21 approach 2:6 asking 3:6 Authorization 2:20 aware 6:17,22 aye 7:21,22	contradicting 4:11 Control 1:2,13,14 correct 4:7 correction 4:1 CR 1:6 Cunningham 1:21 2:13 2:13,16,17,21 5:21 6:16,20 7:3 D D.C 1:15 day 5:9,10,12 6:4,4,6,7 7:10,10,12,12 days 5:1,1,5,8,15 6:3,11 7:9,15 detective 4:13 difference 5:3 Disorderly 1:9 District 1:1 2:9 Donovan 1:15,17	K L letter 2:19 3:2,16 license 1:7,10 2:5 5:5,8 licensee 5:10,14 LLC 1:5 M making 4:15 Manager 2:14 mandatory 5:17 6:12 7:16 matter 1:4 3:22 4:3,19 7:2 8:2,4 matters 3:20 MEETING 1:3 Member 1:18,18,19,19 7:18 Members 2:9 7:6 met 1:14 MIKE 1:19 Miles 4:11 morning 2:8,11,15 motion 7:7,20	preliminary 3:20,22 4:3 4:19 present 1:16,20 4:4 presiding 1:15 previously 2:19 promoter 4:12 provide 2:19 3:7 6:10 7:14 public 5:11 Purposes 1:9
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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: RedRocks

Before: DCABRA

Date: 10-03-18

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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