

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

IN THE MATTER OF: :

RR4, LLC, :

t/a RedRocks :

1348 H Street NE, : Show Cause

Retailer CR - ANC 6A : Hearing (Status)

License No. 90997 :

Case #18-CMP-00045 :

(No ABC Manager on Duty, :

Provided Entertainment :

Without an Entertainment :

Endorsement) :

Wednesday
August 15, 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
BOBBY CATO, JR., Member
DONALD ISAAC, SR., Member
MIKE SILVERSTEIN, Member
JAMES SHORT, Member
REMA WAHABZADAH, Member

ALSO PRESENT:

FERNANDO RIVERO, DC OAG

PATRICE CUNNINGHAM, Licensee

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

2 9:58 a.m.

3 CHAIRPERSON ANDERSON: All right. The
4 next case on our calendar is Case number 18-CMP-
5 00045, RedRocks, License number 90997, and Case
6 number 18-251-00131, RedRocks, License number
7 90997. Would the parties please approach and
8 identify themselves for the record, please?

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

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

14 MS. CUNNINGHAM: Hi. Patrice
15 Cunningham, representing RedRocks.

16 CHAIRPERSON ANDERSON: And what's your
17 relationship with the establishment, ma'am?

18 MS. CUNNINGHAM: I'm the general
19 manager.

20 CHAIRPERSON ANDERSON: Is there any
21 preliminary matters in this case?

22 MR. RIVERO: There are no preliminary

1 matters in either of these cases. I've indicated
2 that after the status hearings are over, if I
3 manage to reach an agreement, and the Board is
4 available shortly thereafter, that we may recall
5 the Board. But otherwise, the Government will
6 move to the next scheduled hearing date in both
7 of those cases.

8 CHAIRPERSON ANDERSON: All right.

9 Then the Case number 18-CMP-00045, RedRocks, that
10 matter is scheduled for a show cause hearing on
11 September 26th at 10:00 a.m. And for case 18-
12 251-00131, that case is scheduled for a show
13 cause hearing on October 3rd at 10:00 a.m. I'm
14 sorry, what is your name again, ma'am? I
15 apologize.

16 MS. CUNNINGHAM: Patrice Cunningham.

17 CHAIRPERSON ANDERSON: Ms. Cunningham,
18 in the future, if you are coming to represent the
19 agents, the licensee, if the owner is not here
20 then you need to provide the agency with, well, I
21 guess you have it there. Do you have a letter or
22 representation?

1 MS. CUNNINGHAM: I do.

2 CHAIRPERSON ANDERSON: You can get --

3 MR. RIVERO: That's why I've indicated
4 that if there's anything to resolve that --

5 CHAIRPERSON ANDERSON: Right.

6 MR. RIVERO: -- we will obviously
7 present the letter at that time.

8 CHAIRPERSON ANDERSON: Okay. Well,
9 you do have -- That's what, okay. So, I was
10 asking, and you do have a letter or
11 representation. Okay. That's fine. All right.

12 All right. It's, can you just step
13 back just one minute, please, Mr. Rivera, since I
14 did say I would recall a case for 10 o'clock.
15 You're fine, ma'am.

16 (Whereupon, the above-entitled matter
17 went off the record at 10:00 a.m. and resumed at
18 11:35 a.m.)

19 CHAIRPERSON ANDERSON: All right. We
20 are back on the record. I'm going to recall Case
21 number 18-CMP-00045, RedRocks, License number
22 90997. Will the parties please approach and

1 identify themselves for the record, please?

2 MR. RIVERO: Good morning, Board
3 Members. Fernando Rivero for the District of
4 Columbia.

5 CHAIRPERSON ANDERSON: Good morning,
6 Mr. Rivero.

7 MS. CUNNINGHAM: Hi. Patrice
8 Cunningham, general manager of RedRocks.

9 CHAIRPERSON ANDERSON: Good morning,
10 Ms. Cunningham. I know that you have, so, you
11 have a letter of representation. Can you provide
12 it to us, please?

13 MS. CUNNINGHAM: Sure.

14 CHAIRPERSON ANDERSON: Mr. Isaac,
15 could you get that for me please?

16 MEMBER ISAAC: Oh, I'm sorry.

17 CHAIRPERSON ANDERSON: Thank you. Ms.
18 Cunningham has provided the agency with a letter
19 of authorization. Yes, Mr. Rivero. Are there
20 any preliminary matters in this case, please?

21 MR. RIVERO: Yes. The parties have an
22 offer in compromise to present to the Board at

1 this time.

2 CHAIRPERSON ANDERSON: And what's
3 that?

4 MR. RIVERO: And that offer consists,
5 for Charge 1 a fine of \$2,000 dollars. For
6 Charge 2 a fine of \$2,500 dollars, for a total
7 fine of \$4,500 dollars payable in 30 days. If
8 the fine is not paid in 30 days the license will
9 be suspended until the payment is received. That
10 is the offer in compromise.

11 CHAIRPERSON ANDERSON: Yes. But 45?

12 MR. RIVERO: \$4,500 dollars total
13 fine.

14 CHAIRPERSON ANDERSON: All right. Ms.
15 Cunningham, it is my understanding that there is
16 an offer in compromise. And the offer in
17 compromise is that for Charge 1 there is a fine
18 of \$2,000 dollars. For Charge 2 there is a fine
19 of \$2,500 dollars.

20 The total fine of \$4,500 dollars
21 payable in 30 days. If the fine is not payable
22 in 30 days the license will be suspended until

1 the fine has been paid. Is this your
2 understanding of the offer in compromise?

3 MS. CUNNINGHAM: Yes.

4 CHAIRPERSON ANDERSON: Are you aware
5 that by accepting an offer in compromise that you
6 are giving up, the agency, the licensee is giving
7 up its right to have a hearing?

8 MS. CUNNINGHAM: Yes.

9 CHAIRPERSON ANDERSON: And that the
10 licensee is giving up its right to appeal this
11 matter?

12 MS. CUNNINGHAM: Yes.

13 CHAIRPERSON ANDERSON: With this said
14 I then make a motion that the offer in compromise
15 for Charge 1 of a fine of \$2,000 dollars, for
16 Charge 2 a fine of \$2,500 for the total fine of
17 \$4,500 dollars, payable in 30 days. If the fine
18 is not payable in 30 days the license will be
19 suspended until the fine is paid. Is there a
20 second?

21 MEMBER SHORT: Second.

22 CHAIRPERSON ANDERSON: Mr. Short has

1 seconded the motion. All those in favor say aye.

2 (Chorus of aye.)

3 CHAIRPERSON ANDERSON: Those opposed.

4 (No response)

5 CHAIRPERSON ANDERSON: The matter
6 passed 6-0-0. Are we issuing a Board Order? So,
7 we will issue a Board Order. And so the 30 day
8 period to pay the fine will start once you
9 receive a copy of the Board Order.

10 MS. CUNNINGHAM: Okay.

11 CHAIRPERSON ANDERSON: Okay? Thank
12 you very much.

13 MR. RIVERO: Thank you.

14 MS. CUNNINGHAM: All right. Thank
15 you.

16 CHAIRPERSON ANDERSON: All right.
17 Thanks.

18 (Whereupon, the above-entitled matter
19 went off the record at 11:38 a.m.)
20
21
22

<p style="text-align: center;">A</p> <p>a.m 3:2 4:11,13 5:17,18 9:19</p> <p>ABC 1:9</p> <p>above-entitled 5:16 9:18</p> <p>accepting 8:5</p> <p>agency 4:20 6:18 8:6</p> <p>agents 4:19</p> <p>agreement 4:3</p> <p>Alcoholic 1:2,14,15</p> <p>ANC 1:7</p> <p>Anderson 1:16,19 3:3 3:12,16,20 4:8,17 5:2 5:5,8,19 6:5,9,14,17 7:2,11,14 8:4,9,13,22 9:3,5,11,16</p> <p>apologize 4:15</p> <p>appeal 8:10</p> <p>approach 3:7 5:22</p> <p>asking 5:10</p> <p>August 1:13</p> <p>authorization 6:19</p> <p>available 4:4</p> <p>aware 8:4</p> <p>aye 9:1,2</p> <hr/> <p style="text-align: center;">B</p> <p>back 5:13,20</p> <p>Beverage 1:2,14,15</p> <p>Board 1:2,14 3:9 4:3,5 6:2,22 9:6,7,9</p> <p>BOBBY 1:19</p> <p>Building 1:15</p> <hr/> <p style="text-align: center;">C</p> <p>calendar 3:4</p> <p>case 1:8 3:4,4,5,21 4:9 4:11,12 5:14,20 6:20</p> <p>cases 4:1,7</p> <p>CATO 1:19</p> <p>cause 1:7 4:10,13</p> <p>Chairperson 1:16,19 3:3,12,16,20 4:8,17 5:2,5,8,19 6:5,9,14,17 7:2,11,14 8:4,9,13,22 9:3,5,11,16</p> <p>Charge 7:5,6,17,18 8:15,16</p> <p>Chorus 9:2</p> <p>Columbia 1:1 3:11 6:4</p> <p>coming 4:18</p> <p>compromise 6:22 7:10 7:16,17 8:2,5,14</p> <p>consists 7:4</p> <p>Control 1:2,14,15</p> <p>copy 9:9</p> <p>CR 1:7</p>	<p>Cunningham 2:13 3:14 3:15,18 4:16,16,17 5:1 6:7,8,10,13,18 7:15 8:3,8,12 9:10,14</p> <hr/> <p style="text-align: center;">D</p> <p>D.C 1:16</p> <p>date 4:6</p> <p>day 9:7</p> <p>days 7:7,8,21,22 8:17 8:18</p> <p>DC 2:12</p> <p>District 1:1 3:10 6:3</p> <p>dollars 7:5,6,7,12,18,19 7:20 8:15,17</p> <p>DONALD 1:20</p> <p>Donovan 1:16,19</p> <p>Duty 1:9</p> <hr/> <p style="text-align: center;">E</p> <p>either 4:1</p> <p>Endorsement 1:11</p> <p>Entertainment 1:10,10</p> <p>establishment 3:17</p> <hr/> <p style="text-align: center;">F</p> <p>favor 9:1</p> <p>Fernando 2:12 3:10 6:3</p> <p>fine 5:11,15 7:5,6,7,8 7:13,17,18,20,21 8:1 8:15,16,16,17,19 9:8</p> <p>future 4:18</p> <hr/> <p style="text-align: center;">G</p> <p>general 3:18 6:8</p> <p>giving 8:6,6,10</p> <p>going 5:20</p> <p>Good 3:9,12 6:2,5,9</p> <p>Government 4:5</p> <p>guess 4:21</p> <hr/> <p style="text-align: center;">H</p> <p>H 1:7</p> <p>hearing 1:7,15 4:6,10 4:13 8:7</p> <p>hearings 4:2</p> <p>Hi 3:14 6:7</p> <hr/> <p style="text-align: center;">I</p> <p>identify 3:8 6:1</p> <p>indicated 4:1 5:3</p> <p>Isaac 1:20 6:14,16</p> <p>issue 9:7</p> <p>issuing 9:6</p> <hr/> <p style="text-align: center;">J</p> <p>JAMES 1:21</p> <p>JR 1:19</p>	<p style="text-align: center;">K</p> <p>know 6:10</p> <hr/> <p style="text-align: center;">L</p> <p>letter 4:21 5:7,10 6:11 6:18</p> <p>license 1:8 3:5,6 5:21 7:8,22 8:18</p> <p>licensee 2:13 4:19 8:6 8:10</p> <p>LLC 1:6</p> <hr/> <p style="text-align: center;">M</p> <p>ma'am 3:17 4:14 5:15</p> <p>manage 4:3</p> <p>manager 1:9 3:19 6:8</p> <p>matter 1:5 4:10 5:16 8:11 9:5,18</p> <p>matters 3:21 4:1 6:20</p> <p>MEETING 1:3</p> <p>Member 1:19,20,20,21 1:21 6:16 8:21</p> <p>Members 3:10 6:3</p> <p>met 1:15</p> <p>MIKE 1:20</p> <p>minute 5:13</p> <p>morning 3:9,12 6:2,5,9</p> <p>motion 8:14 9:1</p> <p>move 4:6</p> <hr/> <p style="text-align: center;">N</p> <p>N.W 1:15</p> <p>name 4:14</p> <p>NE 1:7</p> <p>need 4:20</p> <p>number 3:4,5,6,6 4:9 5:21,21</p> <hr/> <p style="text-align: center;">O</p> <p>o'clock 5:14</p> <p>OAG 2:12</p> <p>obviously 5:6</p> <p>October 4:13</p> <p>offer 6:22 7:4,10,16,16 8:2,5,14</p> <p>Oh 6:16</p> <p>okay 5:8,9,11 9:10,11</p> <p>once 9:8</p> <p>opposed 9:3</p> <p>Order 9:6,7,9</p> <p>owner 4:19</p> <hr/> <p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-I-N-G-S 3:1</p> <p>paid 7:8 8:1,19</p> <p>parties 3:7 5:22 6:21</p>	<p>passed 9:6</p> <p>Patrice 2:13 3:14 4:16 6:7</p> <p>pay 9:8</p> <p>payable 7:7,21,21 8:17 8:18</p> <p>payment 7:9</p> <p>period 9:8</p> <p>please 3:7,8 5:13,22 6:1 6:12,15,20</p> <p>preliminary 3:21,22 6:20</p> <p>present 1:18 2:10 5:7 6:22</p> <p>presiding 1:16</p> <p>provide 4:20 6:11</p> <p>provided 1:10 6:18</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p style="text-align: center;">R</p> <p>reach 4:3</p> <p>recall 4:4 5:14,20</p> <p>receive 9:9</p> <p>received 7:9</p> <p>record 3:8 5:17,20 6:1 9:19</p> <p>RedRocks 1:6 3:5,6,15 4:9 5:21 6:8</p> <p>Reeves 1:15</p> <p>relationship 3:17</p> <p>REMA 1:21</p> <p>represent 4:18</p> <p>representation 4:22 5:11 6:11</p> <p>representing 3:15</p> <p>resolve 5:4</p> <p>response 9:4</p> <p>resumed 5:17</p> <p>Retailer 1:7</p> <p>right 3:3 4:8 5:5,11,12 5:19 7:14 8:7,10 9:14 9:16</p> <p>Rivera 5:13</p> <p>Rivero 2:12 3:9,10,13 3:22 5:3,6 6:2,3,6,19 6:21 7:4,12 9:13</p> <p>Room 1:15</p> <p>RR4 1:6</p> <hr/> <p style="text-align: center;">S</p> <p>scheduled 4:6,10,12</p> <p>second 8:20,21</p> <p>seconded 9:1</p> <p>September 4:11</p> <p>Short 1:21 8:21,22</p> <p>shortly 4:4</p> <p>show 1:7 4:10,12</p>
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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: RR4, LLC

Before: Alcoholic Beverage Control Board

Date: 08-15-18

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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