

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF: :

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HB Wharf, LLC, :

t/a The Brighton : Show Cause

949 Wharf Street SW : Hearing

Retailer CT - ANC 6D : (Status)

License No. 105932 :

Case #19-CMP-00014 :

 :

(Operating After Hours) :

Wednesday,
July 10, 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
BOBBY CATO, JR., Member
MIKE SILVERSTEIN, Member
JAMES SHORT, Member

ALSO PRESENT:

LINDSAY MARKS, OAG

CANDACE FITCH, APPLICANT COUNSEL

IAN HILTON, APPLICANT

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

2 9:53 a.m.

3 CHAIRPERSON ANDERSON: We now move to
4 our Show Cause Hearing Status Calendar. The
5 first case on our Show Cause Hearing Status
6 Calendar is Case No. 19-CMP-00014, The Brighton,
7 License No. 105932.

8 Will the parties, please, approach and
9 identify themselves for the record, please?

10 MS. MARKS: Lindsay Marks from the
11 District of Columbia.

12 CHAIRPERSON ANDERSON: Good morning,
13 Ms. Marks.

14 MS. FITCH: Candace Fitch, attorney
15 for the licensee.

16 CHAIRPERSON ANDERSON: Good morning,
17 Ms. Fitch.

18 MR. HILTON: Ian Hilton, H-I-L-T-O-N,
19 licensee.

20 CHAIRPERSON ANDERSON: Good morning,
21 Mr. Hilton.

22 Good morning, everyone. Are there --

1 this matter is scheduled for Show Cause Hearing
2 (Status). Are there any preliminary matters in
3 this case?

4 MS. MARKS: Yes, there is. The
5 initial preliminary matter, Charge 1, contained
6 in the Notice of Status and Show Cause Hearings,
7 requires an amendment, which the establishment
8 has consented to.

9 CHAIRPERSON ANDERSON: Okay.

10 MS. MARKS: Charge 1 currently reads
11 "You failed to follow the terms of your Board-
12 approved license by operating outside the
13 approved hours of sales in violation of DC Code
14 25-723(b) and 25-823(a)(7) for which the Board
15 may take the proposed action under DC Code 25-
16 823(a)(1) and (7)."

17 And shall be replaced with "You failed
18 to post the amended license conspicuously in the
19 licensed establishment in violation of DC Code
20 25-711 for which the Board may take the proposed
21 action under DC Code 25-823(a)(1)."

22 CHAIRPERSON ANDERSON: All right.

1 Then you are saying the licensee -- do you
2 consent to the change of the charge?

3 MR. HILTON: Yes, I do.

4 CHAIRPERSON ANDERSON: All right.

5 With that, I make a motion that we agree to the
6 change of the charges. Is there a second?

7 MEMBER SHORT: Second.

8 CHAIRPERSON ANDERSON: Mr. Short has
9 seconded the motion.

10 All those in favor say aye.

11 ALL: Aye.

12 CHAIRPERSON ANDERSON: Those opposed?

13 The matter passes 4-0-0. So that is so moved.

14 Any other preliminary matters?

15 MS. MARKS: Yes. The parties have
16 consented to an OIC.

17 CHAIRPERSON ANDERSON: And what is
18 that?

19 MS. MARKS: Under the Charge 1,
20 failure to post the amended license, the Offer in
21 Compromise is a mandatory warning.

22 CHAIRPERSON ANDERSON: All right. Ms.

1 Fitch? Yes. It's my understanding there is an
2 Offer in Compromise and the Offer in Compromise
3 is that there is a mandatory warning. Is that
4 your understanding of the Offer in Compromise?

5 MS. FITCH: Yes, it is.

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

9 MS. FITCH: Yes.

10 CHAIRPERSON ANDERSON: And is your
11 client also aware that by accepting an Offer in
12 Compromise, that they are giving up their right
13 to appeal this matter?

14 MS. FITCH: Yes.

15 CHAIRPERSON ANDERSON: All right.
16 With that said, I then make a motion that the
17 Offer in Compromise of a mandatory warning be
18 issued. Is there a second?

19 MEMBER SILVERSTEIN: Second.

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

22 All those in favor say aye.

1 ALL: Aye.

2 CHAIRPERSON ANDERSON: Those opposed?

3 The matter passes 4-0-0.

4 All right. So once you sign this, the
5 matter is taken care of. All right.

6 MS. FITCH: Thank you.

7 CHAIRPERSON ANDERSON: Thank you,
8 ma'am.

9 (Whereupon, the Show Cause (Status)
10 Hearing was concluded at 9:57 a.m.)

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<p style="text-align: center;">A</p> <p>a.m 2:2 6:10 accepting 5:7,11 action 3:15,21 agree 4:5 Alcoholic 1:2,12,13 amended 3:18 4:20 amendment 3:7 ANC 1:7 Anderson 1:14,16 2:3 2:12,16,20 3:9,22 4:4 4:8,12,17,22 5:6,10 5:15,20 6:2,7 appeal 5:13 APPLICANT 1:21,22 approach 2:8 approved 3:12,13 attorney 2:14 aware 5:7,11 aye 4:10,11 5:22 6:1</p> <hr/> <p style="text-align: center;">B</p> <p>Beverage 1:2,12,13 Board 1:2,12 3:14,20 Board- 3:11 BOBBY 1:17 Brighton 1:6 2:6 Building 1:13</p> <hr/> <p style="text-align: center;">C</p> <p>Calendar 2:4,6 Candace 1:21 2:14 care 6:5 case 1:8 2:5,6 3:3 CATO 1:17 Cause 1:6 2:4,5 3:1,6 6:9 Chairperson 1:14,16 2:3,12,16,20 3:9,22 4:4,8,12,17,22 5:6,10 5:15,20 6:2,7 change 4:2,6 charge 3:5,10 4:2,19 charges 4:6 client 5:6,11 Code 3:13,15,19,21 Columbia 1:1 2:11 Compromise 4:21 5:2,2 5:4,7,12,17 concluded 6:10 consent 4:2 consented 3:8 4:16 conspicuously 3:18 contained 3:5 Control 1:2,12,13 COUNSEL 1:21 CT 1:7 currently 3:10</p>	<p style="text-align: center;">D</p> <p>D.C 1:14 DC 3:13,15,19,21 District 1:1 2:11 Donovan 1:14,16</p> <hr/> <p style="text-align: center;">E</p> <p>establishment 3:7,19</p> <hr/> <p style="text-align: center;">F</p> <p>failed 3:11,17 failure 4:20 favor 4:10 5:22 first 2:5 Fitch 1:21 2:14,14,17 5:1,5,9,14 6:6 follow 3:11</p> <hr/> <p style="text-align: center;">G</p> <p>giving 5:8,12</p> <hr/> <p style="text-align: center;">H</p> <p>H-I-L-T-O-N 2:18 HB 1:6 hearing 1:7,13 2:4,5 3:1 5:8 6:10 Hearings 3:6 Hilton 1:22 2:18,18,21 4:3 hours 1:9 3:13</p> <hr/> <p style="text-align: center;">I</p> <p>Ian 1:22 2:18 identify 2:9 initial 3:5 issued 5:18</p> <hr/> <p style="text-align: center;">J</p> <p>JAMES 1:18 JR 1:17 July 1:11</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p style="text-align: center;">L</p> <p>license 1:8 2:7 3:12,18 4:20 licensed 3:19 licensee 2:15,19 4:1 Lindsay 1:20 2:10 LLC 1:6</p> <hr/> <p style="text-align: center;">M</p> <p>ma'am 6:8 mandatory 4:21 5:3,17 Marks 1:20 2:10,10,13 3:4,10 4:15,19</p>	<p>matter 1:5 3:1,5 4:13 5:13 6:3,5 matters 3:2 4:14 MEETING 1:3 Member 1:17,17,18 4:7 5:19 met 1:13 MIKE 1:17 morning 2:12,16,20,22 motion 4:5,9 5:16,21 move 2:3 moved 4:13</p> <hr/> <p style="text-align: center;">N</p> <p>N.W 1:13 Notice 3:6</p> <hr/> <p style="text-align: center;">O</p> <p>OAG 1:20 Offer 4:20 5:2,2,4,7,11 5:17 OIC 4:16 once 6:4 operating 1:9 3:12 opposed 4:12 6:2 outside 3:12</p> <hr/> <p style="text-align: center;">P</p> <p>P-R-O-C-E-E-D-I-N-G-S 2:1 parties 2:8 4:15 passes 4:13 6:3 please 2:8,9 post 3:18 4:20 preliminary 3:2,5 4:14 PRESENT 1:15,19 presiding 1:14 proposed 3:15,20</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p style="text-align: center;">R</p> <p>reads 3:10 record 2:9 Reeves 1:13 replaced 3:17 requires 3:7 Retailer 1:7 Room 1:13</p> <hr/> <p style="text-align: center;">S</p> <p>sales 3:13 saying 4:1 scheduled 3:1 second 4:6,7 5:18,19 seconded 4:9 5:21 Short 1:18 4:7,8 Show 1:6 2:4,5 3:1,6</p>	<p>6:9 sign 6:4 Silverstein 1:17 5:19,20 Status 1:7 2:4,5 3:2,6 6:9 Street 1:7,13 Suite 1:14 SW 1:7</p> <hr/> <p style="text-align: center;">T</p> <p>t/a 1:6 taken 6:5 terms 3:11 Thank 6:6,7</p> <hr/> <p style="text-align: center;">U</p> <p>understanding 5:1,4</p> <hr/> <p style="text-align: center;">V</p> <p>violation 3:13,19</p> <hr/> <p style="text-align: center;">W</p> <p>W 1:14,16 warning 4:21 5:3,17 Washington 1:14 Wednesday 1:11 Wharf 1:6,7</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p style="text-align: center;">1</p> <p>10 1:11 105932 1:8 2:7 14th 1:13 19-CMP-00014 1:8 2:6</p> <hr/> <p style="text-align: center;">2</p> <p>2000 1:13 20009 1:14 2019 1:11 25- 3:15 25-711 3:20 25-723(b) 3:14 25-823(a)(1) 3:21 25-823(a)(7) 3:14</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p style="text-align: center;">4</p> <p>4-0-0 4:13 6:3 400S 1:14</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: The Brighton

Before: DCABRA

Date: 07-10-19

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.

Neal R Gross

Court Reporter

NEAL R. GROSS

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