

IN THE MATTER OF: :
 :
Red & Black, LLC, :
t/a 12 Twelve DC/Kyss :
Kyss :
1210 H Street NE : Show Cause
Retailer CT - ANC 6A : Hearing (Status)
License No. 72734 :
Case #18-CMP-00251 :
 :
(Failed to Obtain a :
One-Day Substantial :
Change Permit, Violation :
of Settlement Agreement) :

Wednesday
June 5, 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
JAMES SHORT, Member
MIKE SILVERSTEIN, Member

ALSO PRESENT:

MICHELE FLETCHER, APPLICANT
FERNANDO RIVERO, DC OAG

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

9:46 a.m.

CHAIRPERSON ANDERSON: The next case on our calendar is Case No. 18-CMP-00251, Kyss Kyss, License No. 72734. Will the parties please approach and identify themselves for the record, please?

MR. RIVERO: Good morning, Board Members, Fernando Rivero for the District Attorney's Office.

CHAIRPERSON ANDERSON: Good morning, Mr. Rivero.

MS. FLETCHER: Michele Fletcher, the owner.

CHAIRPERSON ANDERSON: I'm sorry; your name?

MS. FLETCHER: Michele Fletcher.

CHAIRPERSON ANDERSON: Ms. Fletcher.

MS. FLETCHER: Yes.

CHAIRPERSON ANDERSON: You have appeared in front of me before, I believe.

MS. FLETCHER: Yes.

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

3 MR. RIVERO: Yes, the parties have an
4 offer in compromise to present to the Board at
5 this time.

6 CHAIRPERSON ANDERSON: What is that
7 offer in compromise, please?

8 MR. RIVERO: The offer consists of,
9 for Charge 1, a fine of \$1,500, payable in 60
10 days, and for Charge 2, a fine of \$1,250, payable
11 in 60 days, for a total of \$2,750. If the fine
12 is not paid within 60 days, the license will be
13 suspended until payment is received. That is the
14 offer in compromise.

15 CHAIRPERSON ANDERSON: Ms. Fletcher,
16 it's my understanding that there's an offer in
17 compromise, and the offer in compromise is that
18 for Charge 1, there's a fine of \$1,500 paid
19 within 60 days, for Charge 2, a fine of \$1,250
20 paid within 60 days. If the fine is not paid
21 within 60 days, the license will be suspended
22 until the fine has been paid. Is this your

1 understanding of the offer in compromise?

2 MS. FLETCHER: Yes, it is, sir.

3 CHAIRPERSON ANDERSON: Are you aware
4 that by accepting an offer in compromise, you're
5 giving up your right to a hearing?

6 MS. FLETCHER: Yes, sir.

7 CHAIRPERSON ANDERSON: Are you also
8 aware that by accepting the offer in compromise,
9 you're giving up your right to appeal this
10 matter?

11 MS. FLETCHER: Yes.

12 CHAIRPERSON ANDERSON: With that said,
13 I then make a motion that the fine -- for Charge
14 1, there's a fine of \$1,500 paid within 60 days,
15 for Charge 2, a fine of \$1,250 payable in 60
16 days. If the total fine of \$2,750 is not paid
17 within 60 days, the license will be suspended
18 until the fine is paid. Is there a second?

19 MEMBER SHORT: Second.

20 CHAIRPERSON ANDERSON: Mr. Short has
21 seconded the motion. All those in favor say aye.

22 (Chorus of ayes.)

1 CHAIRPERSON ANDERSON: Those opposed.

2 (No audible response.)

3 CHAIRPERSON ANDERSON: The matter

4 passes 4-0-0. Thank you.

5 (Whereupon, the above-entitled matter

6 went off the record at 9:48 a.m.)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

A	F	Office 2:10 One-Day 1:10 opposed 5:1 owner 2:14	V
a.m 2:2 5:6 above-entitled 5:5 accepting 4:4,8 Agreement 1:11 Alcoholic 1:2,14,14 ANC 1:7 Anderson 1:16,18 2:3 2:11,15,18,20 3:1,6 3:15 4:3,7,12,20 5:1,3 appeal 4:9 appeared 2:21 APPLICANT 1:21 approach 2:6 Attorney's 2:10 audible 5:2 aware 4:3,8 aye 4:21 ayes 4:22	Failed 1:9 favor 4:21 Fernando 1:22 2:9 fine 3:9,10,11,18,19,20 3:22 4:13,14,15,16,18 Fletcher 1:21 2:13,13 2:17,17,18,19,22 3:15 4:2,6,11 front 2:21	P P-R-O-C-E-E-D-I-N-G-S 2:1 paid 3:12,18,20,20,22 4:14,16,18 parties 2:5 3:3 passes 5:4 payable 3:9,10 4:15 payment 3:13 Permit 1:10 please 2:5,7 3:7 preliminary 3:2 present 1:17,20 3:4 presiding 1:16	Violation 1:10
B	G	Q	W
believe 2:21 Beverage 1:2,14,14 Black 1:5 Board 1:2,14 2:8 3:4 BOBBY 1:18 Building 1:15	giving 4:5,9	R received 3:13 record 2:6 5:6 Red 1:5 Reeves 1:15 response 5:2 Retailer 1:7 Rivero 1:22 2:8,9,12 3:3 3:8 Room 1:15	W 1:16,18 Washington 1:15 Wednesday 1:12 went 5:6
C	H	S	X
calendar 2:4 case 1:8 2:3,4 3:2 CATO 1:18 Cause 1:7 Chairperson 1:15,18 2:3,11,15,18,20 3:1,6 3:15 4:3,7,12,20 5:1,3 Change 1:10 Charge 3:9,10,18,19 4:13,15 Chorus 4:22 COLUMBIA 1:1 compromise 3:4,7,14 3:17,17 4:1,4,8 consists 3:8 Control 1:2,14,14 CT 1:7	H 1:7 hearing 1:7,14 4:5	second 4:18,19 seconded 4:21 Settlement 1:11 Short 1:19 4:19,20 Show 1:7 SILVERSTEIN 1:19 sir 4:2,6 sorry 2:15 Status 1:7 Street 1:7,15 Substantial 1:10 Suite 1:15 suspended 3:13,21 4:17	Y
D	I	T	Z
D.C 1:15 days 3:10,11,12,19,20 3:21 4:14,16,17 DC 1:22 DC/Kyss 1:6 District 1:1 2:9 Donovan 1:16,18	identify 2:6	U understanding 3:16 4:1	0
E	J		1
	JAMES 1:19 JR 1:18 June 1:13		1,250 3:10,19 4:15 1,500 3:9,18 4:14 12 1:6 1210 1:7 14th 1:15 18-CMP-00251 1:8 2:4
	K		2
	Kyss 1:6 2:4,5		2 3:10,19 4:15 2,750 3:11 4:16 2000 1:15 20009 1:15 2019 1:13
	L		3
	license 1:8 2:5 3:12,21 4:17 LLC 1:5		4
	M		4-0-0 5:4 400S 1:15
	matter 1:4 4:10 5:3,5 matters 3:2 MEETING 1:3 Member 1:18,19,19 4:19 Members 2:9 met 1:14 Michele 1:21 2:13,17 MIKE 1:19 morning 2:8,11 motion 4:13,21		5
	N		5 1:13
	N.W 1:15 name 2:16 NE 1:7		6
	O		60 3:9,11,12,19,20,21 4:14,15,17 6A 1:7
	OAG 1:22 Obtain 1:9 offer 3:4,7,8,14,16,17 4:1,4,8		7
			72734 1:8 2:5
			8
			9
			9:46 2:2 9:48 5:6

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: 12 Twelve DC

Before: DC ABRA

Date: 06-05-19

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

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com