

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

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

9:44 a.m.

CHAIRPERSON MILLER: Okay. I'm going to call The Guards case then. It's Case No. 11-251-00240. No. 11-251-00420(a), No. 11-251-00272 and No. 11-251-00272(a), The Guards located at 2915 M Street, NW. License No. 916 in ANC 2E.

And will the parties introduce themselves for the record when you're ready?

MS. PHILLIPS: Good morning, Board Members, Louise Phillips, Assistant Attorney General for the District of Columbia.

MR. FONSECA: Michael Fonseca, on behalf of the Licensee.

MR. SHIRVANI: Good morning. Hossein Shirvani, The Guard, Incorporated. Shirvani, S-H-I-R-V-A-N-I.

CHAIRPERSON MILLER: And what's your position with The Guard?

MR. SHIRVANI: I'm the president.

CHAIRPERSON MILLER: You're the

1 president. Okay?

2 MR. SHIRVANI: Yes.

3 CHAIRPERSON MILLER: Okay.

4 MEMBER ALBERTI: Are you an equity
5 owner, sir?

6 MR. SHIRVANI: Yes.

7 MEMBER ALBERTI: Okay. Thank you.

8 CHAIRPERSON MILLER: Did you
9 receive notice of this Show Cause Hearing?

10 MR. SHIRVANI: Yes.

11 CHAIRPERSON MILLER: And did you
12 read it?

13 MR. SHIRVANI: Yes.

14 CHAIRPERSON MILLER: Did you
15 understand it?

16 MR. SHIRVANI: Yes.

17 CHAIRPERSON MILLER: And do you
18 waive the Board's reading of that notice into
19 the record?

20 MR. SHIRVANI: Yes.

21 CHAIRPERSON MILLER: Okay. Than,
22 Ms. Phillips, do we have any preliminary

1 matters in this case?

2 MS. PHILLIPS: I believe we do,
3 Madam Chair.

4 The parties have gotten together
5 and discussed an Offer in Compromise to
6 present to the Board. The offer is a \$4,000
7 fine and to be paid in 45 days and no (zero)
8 suspension days.

9 CHAIRPERSON MILLER: Okay. Is
10 there a breakdown for the charges or no?

11 MS. PHILLIPS: There is. \$1,500
12 for each of the charges 1 and 2 and \$1,000 for
13 charge 3.

14 CHAIRPERSON MILLER: Okay. And is
15 there anything the parties want to state with
16 respect to why the Board should approve that
17 Offer in Compromise? You don't have to. I'm
18 just giving you the opportunity.

19 MR. SHIRVANI: No.

20 CHAIRPERSON MILLER: Okay. Mr.
21 Fonseca?

22 MR. FONSECA: No.

1 CHAIRPERSON MILLER: Okay. Okay.

2 Board Members, any questions,
3 comments? Okay.

4 Mr. Shirvani?

5 MR. SHIRVANI: Yes.

6 CHAIRPERSON MILLER: I want to
7 make sure that this is the Offer in Compromise
8 that you agreed to that being the Offer in
9 Compromise of the penalty in the amount of
10 \$4,000 to be paid within 45 days. No
11 suspension of days. And the breakdown is
12 \$1,500 for the first two charges each and
13 \$1,000 for the third charge?

14 MR. SHIRVANI: Yes.

15 CHAIRPERSON MILLER: Okay. Okay.

16 There is an Offer in Compromise
17 then before us of \$4,000 and no date suspended
18 to be paid within 45 days. The first two
19 charge \$1,500 each and the third charge
20 \$1,000.

21 I would move to --

22 MEMBER SILVERSTEIN: No days?

1 MR. FONSECA: No days.

2 CHAIRPERSON MILLER: Okay. Okay.

3 So, there's the offer of \$4,000 paid in 45
4 days, no suspended days and the breakdown as
5 I stated.

6 I would move that we not approve
7 this Offer in Compromise. Is there a second?

8 MEMBER NOPHLIN: Second.

9 CHAIRPERSON MILLER: Any comments?
10 Okay. And there's a motion before us.

11 All those in favor of denying the
12 Offer in Compromise say aye.

13 (AYES)

14 CHAIRPERSON MILLER: All those
15 opposed? All those abstaining? The vote is
16 7-0-0 and we've been joined by Mr. Jones.
17 Welcome, Mr. Jones.

18 MEMBER JONES: Thank you, Madam
19 Chair.

20 CHAIRPERSON MILLER: Therefore, as
21 the Offer in Compromise has not been approved
22 then this matter is set for a Show Cause

1 Hearing on July 11th, 2012, at 2:30 p.m.

2 Do you have a question?

3 MR. FONSECA: If we could for
4 reconsideration to frankly when given an
5 opportunity to speak we did not in the past
6 but somewhat confused but factually the story
7 is involved around -- it's involved around two
8 instances when the reimbursable detail police
9 detail was not present. And then the third
10 charge for not -- for the video camera.

11 At the time when this was referred
12 for a Show Cause, we had been here and all of
13 this came out. So, this is, in effect, now
14 the proceeding for a sanction for that.

15 But respectfully thereafter
16 commencing in I think the second where there
17 was a reimbursable detail was in August of
18 last year, there have been reimbursable
19 details every since on those weekends when
20 entertainment exists.

21 So, there has been mitigation and
22 compliance thereafter. So, I think part of

1 the negotiation here was that the fine more
2 than impacts financially for the bad behavior
3 but at the same time, it was corrected and has
4 continued to be corrected. So, I'd ask that
5 the Board reconsider.

6 CHAIRPERSON MILLER: Unless the
7 Board feels otherwise, the Board has voted on
8 this and I would suggest that there is time
9 between now and the hearing if the parties
10 want to submit an Offer in Compromise to the
11 Board and exists that opportunity.

12 MR. FONSECA: Thank you.

13 CHAIRPERSON MILLER: Thank you.

14 MR. FONSECA: If I could have one
15 moment, I think the parties for the next
16 matter are walking in.

17 CHAIRPERSON MILLER: Okay.

18 MR. FONSECA: But that's all for
19 this case.

20 CHAIRPERSON MILLER: Thank you.

21 (Whereupon, the above matter was
22 concluded at 9:52 a.m.)

<p style="text-align: center;">A</p> <p>ABC 1:8 abstaining 6:15 agreed 5:8 ALBERTI 1:17 3:4 3:7 Alcoholic 1:2,12,13 amount 5:9 ANC 1:8 2:8 approve 4:16 6:6 approved 6:21 Assistant 2:12 Attorney 2:12 August 7:17 aye 6:12 AYES 6:13 a.m 2:2 8:22</p>	<p>8:17,20 charge 4:13 5:13 5:19,19 7:10 charges 4:10,12 5:12 Columbia 1:1 2:13 commencing 7:16 comments 5:3 6:9 compliance 7:22 Compromise 4:5 4:17 5:7,9,16 6:7 6:12,21 8:10 concluded 8:22 confused 7:6 continued 8:4 Control 1:2,12,13 corrected 8:3,4 CR 1:8</p>	<p>frankly 7:4</p>	<p>3:7 5:22 6:8,18 Members 2:12 5:2 met 1:13 Michael 2:14 MIKE 1:19 Miller 1:14,17 2:3 2:19,22 3:3,8,11 3:14,17,21 4:9,14 4:20 5:1,6,15 6:2 6:9,14,20 8:6,13 8:17,20 mitigation 7:21 MOBLEY 1:20 moment 8:15 morning 2:11,16 motion 6:10 move 5:21 6:6</p>	<p>Phillips 1:22 2:11 2:12 3:22 4:2,11 police 7:8 position 2:20 preliminary 3:22 present 1:15,21 4:6 7:9 president 2:21 3:1 presiding 1:14 proceeding 7:14 P-R-O-C-E-E-D-... 2:1 p.m 7:1</p>
<p style="text-align: center;">B</p> <p>bad 8:2 behalf 2:15 behavior 8:2 believe 4:2 Beverage 1:2,12,13 Board 1:2,13 2:11 4:6,16 5:2 8:5,7,7 8:11 Board's 3:18 breakdown 4:10 5:11 6:4 BROOKS 1:18 Building 1:13</p>	<p style="text-align: center;">D</p> <p>date 5:17 days 4:7,8 5:10,11 5:18,22 6:1,4,4 denying 6:11 detail 7:8,9,17 details 7:19 discussed 4:5 District 1:1 2:13 DONALD 1:18 Duty 1:8 D.C 1:14</p>	<p style="text-align: center;">I</p> <p>impacts 8:2 Incorporated 2:17 instances 7:8 introduce 2:9 involved 7:7,7</p>	<p style="text-align: center;">N</p> <p>negotiation 8:1 NICK 1:17 NOPHLIN 1:19 6:8 notice 3:9,18 NW 1:6 2:7 N.W 1:14</p>	<p style="text-align: center;">Q</p> <p>question 7:2 questions 5:2</p>
<p style="text-align: center;">C</p> <p>call 2:4 CALVIN 1:19 camera 7:10 case 1:9 2:4,4 4:1 8:19 Cause 1:7 3:9 6:22 7:12 Chair 4:3 6:19 Chairperson 1:14 1:17 2:3,19,22 3:3 3:8,11,14,17,21 4:9,14,20 5:1,6,15 6:2,9,14,20 8:6,13</p>	<p style="text-align: center;">E</p> <p>effect 7:13 entertainment 7:20 equity 3:4 exists 7:20 8:11</p> <p style="text-align: center;">F</p> <p>factually 7:6 favor 6:11 feels 8:7 financially 8:2 fine 4:7 8:1 first 5:12,18 Fonseca 2:14,14 4:21,22 6:1 7:3 8:12,14,18</p>	<p style="text-align: center;">J</p> <p>JEANNETTE 1:20 joined 6:16 Jones 1:18 6:16,17 6:18 July 7:1</p>	<p style="text-align: center;">O</p> <p>OAG 1:22 offer 4:5,6,17 5:7,8 5:16 6:3,7,12,21 8:10 Okay 2:3 3:1,3,7,21 4:9,14,20 5:1,1,3 5:15,15 6:2,2,10 8:17 opportunity 4:18 7:5 8:11 opposed 6:15 owner 3:5</p>	<p style="text-align: center;">R</p> <p>read 3:12 reading 3:18 ready 2:10 receive 3:9 reconsider 8:5 reconsideration 7:4 record 2:10 3:19 Reeves 1:13 referred 7:11 reimbursable 7:8 7:17,18 respect 4:16 respectfully 7:15 Retailer 1:8 Room 1:13 RUTHANNE 1:17</p>
		<p style="text-align: center;">L</p> <p>License 1:7 2:7 Licensee 2:15 located 2:7 Louise 1:22 2:12</p> <p style="text-align: center;">M</p> <p>M 1:6 2:7 Madam 4:3 6:18 Manager 1:8 matter 1:5 6:22 8:16,21 matters 4:1 MEETING 1:3 Member 1:17,18 1:18,19,19,20 3:4</p>	<p style="text-align: center;">P</p> <p>paid 4:7 5:10,18 6:3 part 7:22 parties 2:9 4:4,15 8:9,15 penalty 5:9</p>	<p style="text-align: center;">S</p> <p>sanction 7:14 second 6:7,8 7:16 set 6:22 Shirvani 2:16,17 2:18,21 3:2,6,10 3:13,16,20 4:19 5:4,5,14 Show 1:7 3:9 6:22 7:12 SILVERSTEIN</p>

1:19 5:22	zero 4:7	7-0-0 6:16		
sir 3:5				
somewhat 7:6	P	9		
speak 7:5	p 1:5,10	9:44 2:2		
state 4:15		9:52 8:22		
stated 6:5	\$	916 1:7 2:8		
Status 1:8	\$1,000 4:12 5:13,20			
story 7:6	\$1,500 4:11 5:12,19			
Street 1:6,14 2:7	\$4,000 4:6 5:10,17			
submit 8:10	6:3			
suggest 8:8				
sure 5:7	#			
suspended 5:17 6:4	#11-CMP-251-00...			
suspension 4:8	1:9			
5:11				
S-H-I-R-V-A-N-I	0			
2:18	00240(a) 1:9			
	00272 1:9			
	00272(a) 1:9			
T				
Thank 3:7 6:18	1			
8:12,13,20	1 4:12			
think 7:16,22 8:15	11th 7:1			
third 5:13,19 7:9	11-251-00240 2:5			
time 7:11 8:3,8	11-251-00272 2:6			
two 5:12,18 7:7	11-251-00272(a)			
t/a 1:6	2:6			
	11-251-00420(a)			
U	2:5			
understand 3:15	14th 1:13			
V	2			
video 7:10	2 4:12			
vote 6:15	2E 2:8			
voted 8:7	2:30 7:1			
	2000 1:13			
W	20009 1:14			
waive 3:18	2012 1:11 7:1			
walking 8:16	23 1:11			
want 4:15 5:6 8:10	2915 1:6 2:7			
Washington 1:14				
weekends 7:19	3			
Welcome 6:17	3 4:13			
we've 6:16	3E 1:8			
Y	4			
year 7:18	45 4:7 5:10,18 6:3			
Z	7			