DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

```
--------------------------------x
IN THE MATTER OF:               :
                                :
Massachusetts Mutual Life       :
Insurance Co.                   :
t/a Crowne Plaza                :
1001 14th Street, NW            :
Retailer CH                     :  Show Cause
License No. 25161               :  Hearing
ANC 2F                          :  (Status)
Case No. 12-CMP-00008           :
Failed to Obtain an             :
Entertainment Endorsement       :
--------------------------------x
```

October 17, 2012

The Alcoholic Beverage Control

Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Washington, D.C., Ruthanne Miller, Chairperson, presiding.

PRESENT
RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member
CALVIN NOPHLIN, Member
MIKE SILVERSTEIN, Member

ALSO PRESENT
FERNANDO RIVERO, OAG

2

1 P R O C E E D I N G S
2 9:54 a.m.
3 CHAIRPERSON MILLER: Okay. The next case on
4 our calendar is another show cause status hearing, Case
5 No. 12-CMP-00008, Crowne Plaza, located at 1001 14th
6 Street, N.W., License No. 25161, in ANC 2F.
7 MR. RIVERO: Good morning, Board members.
8 Fernando Rivero for the District of Columbia standing
9 in for Assistant Attorney General Adams.
10 CHAIRPERSON MILLER: Good morning.
11 MR. FONSECA: Good morning, members of the
12 Board. Michael Fonseca on behalf of the Licensee.
13 With me is the general manager of the hotel, Sholeh
14 Kia, which is spelled S-H-O-L-E-H, Kia, K-I-A. There's
15 a letter of authorization from the ownership, which I
16 have given to the Board's staff, which should have been
17 presented to the Chair by now or it's in the record.
18 CHAIRPERSON MILLER: What is it? It's a
19 letter of --
20 MR. FONSECA: A letter of authorization for
21 Ms. Kia to be here. And she has authority to settle.
22 CHAIRPERSON MILLER: Okay. All right. So

3

1 this is a show cause status hearing. Good morning.
2 MS. KIA: Good member, Board members.
3 CHAIRPERSON MILLER: Did you receive notice
4 of this hearing?
5 MS. KIA: Yes, I have.
6 CHAIRPERSON MILLER: Did you read it?
7 MS. KIA: Yes, I have.
8 CHAIRPERSON MILLER: Did you understand it?
9 MS. KIA: Yes.
10 CHAIRPERSON MILLER: And do you waive reading
--
11 MR. FONSECA: We waive reading.
12 CHAIRPERSON MILLER: -- okay -- the Board
13 reading into the record? All right. Mr. Rivero, is
14 there -- are there any preliminary matters?
15 MR. RIVERO: Yes, there are. The parties
16 have an offer in compromise to present to the Board at
17 this time. The offer consists of a fine of $6000
18 payable within ten days.
19 BOARD MEMBER: I'm sorry?
20 MR. RIVERO: Payable within ten days.
21 CHAIRPERSON MILLER: Mr. Fonseca, I've heard
22 -- the government says there's an offer in compromise

4

1 of $6000 payable within ten days.
2 MR. FONSECA: Yes, that is agreeable to us.
3 We can -- in all likelihood the payment will occur no
4 later than Friday. There's a matter of making sure
5 that we get the check cut. I understand now from
6 communications with Ms. Kia it could possibly be cut
7 today. So payment will likely be tomorrow or Friday at
8 the latest.
9 CHAIRPERSON MILLER: Okay. And does Ms. Kia
10 understand that she waives her right to hearing by
11 accepting an offer in compromise?
12 MS. KIA: Yes, I do.
13 CHAIRPERSON MILLER: Okay. All right. Are
14 there any questions by Board members regarding this
15 offer in compromise?
16 MR. FONSECA: If I may on the record also,
17 you know, this is a failure to have an entertainment
18 endorsement. On Monday we did file for an
19 entertainment endorsement. There are no planned events
20 until New Year's Eve. So hopefully this will be acted
21 upon by the Board and argued as a no substantial change
22 because the central business district -- it is a hotel.

5

1 I'll leave that to the Board's decision.
2 If it does have to be placarded, then we may
3 come back for a one day substantial change. I would
4 hope for it in the time frame. We have more than
5 enough advance.
6 CHAIRPERSON MILLER: Okay. Thank you. Okay.
7 Then I would move that the Board accept this offer in
8 compromise of $6000 to be paid within ten days.
9 Do I have a second?
10 MR. NOPHLIN: Second.
11 CHAIRPERSON MILLER: And Mr. Nophlin has
12 seconded the motion. Any other comments?
13 (No audible response.)
14 CHAIRPERSON MILLER: All those in favor of
15 the offer in compromise -- for the motion to accept
16 that offer in compromise, say aye?
17 (Chorus of ayes.)
18 CHAIRPERSON MILLER: All those opposed?
19 MR. JONES: Opposed.
20 CHAIRPERSON MILLER: All those abstaining?
21 (No audible response.)
22 CHAIRPERSON MILLER: Then the vote is 5-1-0

1 to accept the offer in compromise. Thank you.
2 (WHEREUPON, at 9:59 a.m., the hearing was
3 concluded.)
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

1 CERTIFICATE OF NOTARY PUBLIC
2
3 I, ERICK McNAIR, the officer before whom the
4 foregoing hearing was taken, do hereby certify that the
5 testimony appearing in the foregoing pages was recorded
6 by me and thereafter reduced to typewriting under my
7 direction; that said transcription is a true record of
8 the testimony given by said parties; that I am neither
9 counsel for, related to, nor employed by any of the
10 parties to the action in which this hearing was taken;
11 and, further, that I am not a relative or employee of
12 any counsel or attorney employed by the parties hereto,
13 nor financially or otherwise interested in the outcome
14 of this action.
15
16
17 _____
18 ERICK McNAIR
19 Notary Public in and for the
20 District of Columbia
21
22 My commission expires: July 14, 2016

1 CERTIFICATE OF TRANSCRIPTION
2
3 I, MIRANDA PENNACHI, hereby certify that I am not
4 the Court Reporter who reported the proceeding and that
5 I have typed the transcript of the proceeding using the
6 Court Reporter's notes and recordings. The
7 foregoing/attached transcript is a true, correct and
8 complete transcription of the proceedings.
9
10
11
12
13 _____ _____
14 Date MIRANDA PENNACHI
15 Transcriptionist
16
17
18
19
20
21
22

$

$6000 3:17 4:1 5:8

1

1001 1:7 2:5
12-CMP-00008 1:9 2:5
14 7:22
14th 1:7,14 2:5
17 1:12

2

2000 1:14
2012 1:12
2016 7:22
25161 1:8 2:6
2F 1:8 2:6

5

5-1-0 5:22

9

9:54 2:2
9:59 6:2

A

a.m 2:2 6:2
abstaining 5:20
accept 5:7,15 6:1
accepting 4:11
acted 4:20
action 7:10,14
Adams 2:9
advance 5:5
agreeable 4:2
ALBERTI 1:18
Alcoholic 1:2,13,14
am 7:8,11 8:3
ANC 1:8 2:6
appearing 7:5
argued 4:21
Assistant 2:9
attorney 2:9 7:12
audible 5:13,21
authority 2:21
authorization 2:15,20
aye 5:16
ayes 5:17

B

behalf 2:12
Beverage 1:2,13,14
Board 1:2,14 2:7,12 3:2,12,16,19 4:14,21 5:7
Board's 2:16 5:1
BROOKS 1:18
Building 1:14
business 4:22

C

calendar 2:4
CALVIN 1:19
case 1:9 2:3,4
cause 1:7 2:4 3:1
central 4:22
CERTIFICATE 7:1 8:1
certify 7:4 8:3
CH 1:7
Chair 2:17
Chairperson 1:15,17 2:3,10,18,22 3:3,6,8,10,12,21 4:9,13 5:6,11,14,18,20,22
change 4:21 5:3
check 4:5
Chorus 5:17
Co 1:6
Columbia 1:1 2:8 7:20
comments 5:12
commission 7:22
communications 4:6
complete 8:8
compromise 3:16,22 4:11,15 5:8,15,16 6:1
concluded 6:3
consists 3:17
Control 1:2,13,14
correct 8:7
counsel 7:9,12
Court 8:4,6
Crowne 1:6 2:5
cut 4:5,6

D

D.C 1:15
Date 8:14
day 5:3
days 3:18,20 4:1 5:8
decision 5:1
direction 7:7
district 1:1 2:8 4:22 7:20
DONALD 1:18

E

employed 7:9,12
employee 7:11
endorsement 1:10 4:18,19
entertainment 1:10 4:17,19
ERICK 7:3,18
Eve 4:20
events 4:19
expires 7:22

F

Failed 1:9
failure 4:17
favor 5:14
Fernando 1:21 2:8
file 4:18
financially 7:13
fine 3:17
Fonseca 2:11,12,20 3:11,21 4:2,16
foregoing 7:4,5
foregoing/ attached 8:7
frame 5:4
Friday 4:4,7

G

general 2:9,13
given 2:16 7:8
government 3:22

H

heard 3:21
hearing 1:8,14 2:4 3:1,4 4:10 6:2 7:4,10
hereby 7:4 8:3
hereto 7:12
HERMAN 1:19
hope 5:4
hopefully 4:20
hotel 2:13 4:22

I

I'll 5:1
I'm 3:19
Insurance 1:6
interested 7:13
it's 2:17,18
I've 3:21

J

JONES 1:19 5:19
July 7:22

K

Kia 2:14,21 3:2,5,7,9 4:6,9,12
K-I-A 2:14

L

later 4:4
latest 4:8
leave 5:1
letter 2:15,19,20
License 1:8 2:6
Licensee 2:12
Life 1:5
likelihood 4:3
likely 4:7
located 2:5

M

manager 2:13
Massachusetts 1:5
matter 1:4 4:4
matters 3:14
may 4:16 5:2
McNAIR 7:3,18
MEETING 1:3
member 1:18,19,20 3:2,19
members 2:7,11 3:2 4:14
met 1:14
Michael 2:12
MIKE 1:20
Miller 1:15,17 2:3,10,18,22 3:3,6,8,10,12,21 4:9,13 5:6,11,14,18,20, 22
MIRANDA 8:3,14
Monday 4:18
morning 2:7,10,11 3:1
motion 5:12,15
move 5:7
Mutual 1:5

N

N.W 1:14 2:6
neither 7:8
NICK 1:18
Nophlin 1:19 5:10,11
nor 7:9,13
Notary 7:1,19
notes 8:6
notice 3:3
NW 1:7

O

OAG 1:21
Obtain 1:9
occur 4:3
October 1:12
offer 3:16,17,22 4:11,15 5:7,15,16 6:1
officer 7:3
okay 2:3,22 3:12 4:9,13 5:6
opposed 5:18,19
otherwise 7:13
outcome 7:13
ownership 2:15

P

pages 7:5
paid 5:8
parties 3:15 7:8,10,12
payable 3:18,20 4:1
payment 4:3,7
PENNACHI 8:3,14
placarded 5:2
planned 4:19
Plaza 1:6 2:5
possibly 4:6
preliminary 3:14
present 1:17,21 3:16
presented 2:17
presiding 1:15
proceeding 8:4,5
proceedings 8:8
Public 7:1,19

Q

questions 4:14

R

reading 3:10,11,13
receive 3:3
record 2:17 3:13 4:16 7:7
recorded 7:5
recordings 8:6
reduced 7:6
Reeves 1:14
regarding 4:14
related 7:9
relative 7:11
reported 8:4
Reporter 8:4
Reporter's 8:6

response 5:13,21
Retailer 1:7
Rivero 1:21 2:7,8 3:13,15,20
Room 1:14
Ruthanne 1:15,17

S

second 5:9,10
seconded 5:12
settle 2:21
Sholeh 2:13
S-H-O-L-E-H 2:14
SILVERSTEIN 1:20
sorry 3:19
spelled 2:14
staff 2:16
standing 2:8
status 1:8 2:4 3:1
Street 1:7,14 2:6
substantial 4:21 5:3
sure 4:4

T

t/a 1:6
ten 3:18,20 4:1 5:8
testimony 7:5,8
Thank 5:6 6:1
thereafter 7:6
there's 2:14 3:22 4:4
today 4:7
tomorrow 4:7
transcript 8:5,7
transcription 7:7 8:1,8
Transcriptionist 8:15
true 7:7 8:7
typed 8:5
typewriting 7:6

U

understand 3:8 4:5,10
upon 4:21

V

vote 5:22

W

waive 3:10,11
waives 4:10
Washington 1:15
WHEREUPON 6:2
whom 7:3

Y

Year's 4:20