

Capital Reporting Company

In the Matter of: State Plaza Hotel, Inc. and Catering Solutions, LLC 07-18-2012

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DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE CONTROL BOARD

MEETING

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IN THE MATTER OF: :  
 :  
State Plaza Hotel, Inc., and :  
Catering Solutions, LLC :  
t/a State Plaza Hotel/F Street :  
Bistro :  
2116 F Street, NW :  
Retailer CH : Show Cause  
License No. 78312 : Hearing  
ANC 2A :  
Case No. 12-CMP-00002 :  
Failed to File Quarterly :  
Statements, No ABC Manager on :  
Duty, Failed to Maintain on :  
Premises Three Years of Adequate :  
Books and Records Showing All :  
Sales :  
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July 18, 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  
CHRISSY GEPHART, OAG

(866) 448 - DEPO

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

2 1:41 p.m.

3 CHAIRPERSON MILLER: Good afternoon.

4 MR. O'BRIEN: Good afternoon.

5 CHAIRPERSON MILLER: First case on the  
6 afternoon calendar is Case No. 12-CMP-00002, F Street  
7 Bistro, at 2116 F Street, N.W., License No. 78312, in  
8 ANC 2A. And this is a show cause hearing.

9 And if you would like to introduce yourselves  
10 for the record, that would be good.

11 MR. O'BRIEN: Ms. Gephardt is here.

12 CHAIRPERSON MILLER: Oh, good.

13 MR. O'BRIEN: I've spoken to her. I think  
14 she's in the back talking to somebody. But she --

15 CHAIRPERSON MILLER: Okay.

16 MR. O'BRIEN: But I'm Stephen O'Brien on  
17 behalf of the joint Licensees, State Plaza Hotel, Inc.,  
18 and Catering Solutions, LLC. I'm accompanied by Robert  
19 Trulove, T-R-U-L-O-V-E, who is the managing member of  
20 Catering Solutions, LLC.

21 CHAIRPERSON MILLER: Okay. So is Ms.

22 Gephardt - - she's in the back here at the Agency?

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1 MR. O'BRIEN: Yeah, she's physically --

2 CHAIRPERSON MILLER: Okay.

3 MR. ALBERTI: Ms. Jenkins, I believe, went  
4 out to find her.

5 MR. O'BRIEN: I believe she did.

6 CHAIRPERSON MILLER: Okay. She's missing.

7 MR. ALBERTI: We're off the record.

8 (WHEREUPON, at 1:43 p.m., the hearing went  
9 off record until 1:43 p.m.)

10 CHAIRPERSON MILLER: So we're ready for you  
11 to introduce yourself.

12 MS. GEPHARDT: Oh, my name is Crissy Gephardt  
13 on behalf of the Office of the Attorney General.

14 CHAIRPERSON MILLER: Okay. And this is a  
15 show cause hearing. And are there any preliminary  
16 notes?

17 MS. GEPHARDT: Yes, there are preliminary  
18 matters. The parties have reached an offer in  
19 compromise that we would like to present for the Board.  
20 And we hope the Board will accept it.

21 And that is as follows: for Charge 1, which  
22 is failure to file quarterly statements for the period

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1 of -- ending September of 2011, which would be the  
2 third quarter of the fiscal year, we propose a \$4000  
3 fine; for Charge 2, which is no ABC manager on duty, we  
4 propose a \$2000 fine; and Charge 3, for failure to keep  
5 books and records, a \$1500 fine, for a total of \$7500 --

6 MR. O'BRIEN: Payable today.

7 MS. GEPHARDT: -- payable today. And that is  
8 our offer and the offer -- I will let Mr. O'Brien speak  
9 - - I believe has been accepted by the Licensee.

10 MR. O'BRIEN: Yes. That is agreeable to the  
11 Licensee. I would point out that the Board considers  
12 whether it's accepted or not. This is a very hefty  
13 monetary fine for more administrative-type violations.  
14 But we understand that this -- there's been a history  
15 here of failure to file reports on time, which leads to  
16 enhancement of the penalties. You go up the ladder.  
17 But procedures are now in place to avoid a repetition  
18 of this.

19 I will also note that there may be a  
20 discrepancy as to whether two or three quarterly  
21 reports from 2009 have been filed. Even though those  
22 matters have been adjudicated by the Board, it's still

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1 apparently a question as to whether some -- or we've  
2 agreed with prosecution that we will provide you the  
3 copies of what were filed or, if indeed is a gap, that  
4 the -- these three-year-old returns filed.

5 MS. GEPHARDT: Oh, and I'd like to just add  
6 to that. I just received a list from Neil as to all  
7 the quarters that are still outstanding. Neil  
8 mentioned that, I guess, in the past citations were  
9 paid and things were adjudicated but reports were never  
10 demanded. So fines were paid but no one ever got the  
11 reports.

12 So I do have a list here of the outstanding  
13 quarterly reports dating back to January through March  
14 of 2009, going all the way up through July to  
15 September, 2010. So -- yeah. So if -- I guess this  
16 could be --

17 MR. O'BRIEN: We have covenanted that. We  
18 will look into these. There may be an issue as to  
19 whether the Board's records --

20 MS. GEPHARDT: Uh-huh.

21 MR. O'BRIEN: -- given that (inaudible)  
22 changed or are complete. But one way or the other,

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1 we'll get to the bottom of it. And that is understood  
2 to be a condition of our --

3 CHAIRPERSON MILLER: That's --

4 MR. O'BRIEN: -- of our offer in compromise.

5 CHAIRPERSON MILLER: That's part of the offer  
6 in compromise?

7 MS. GEPHARDT: Sure. Yeah, that would be  
8 part of the offer.

9 MR. O'BRIEN: So I -- we don't want to leave  
10 the matter open. See, I see where the Board's  
11 concerned.

12 CHAIRPERSON MILLER: No, I just --

13 MR. O'BRIEN: But I think it would be enough  
14 for the Board, if it's so inclined, to say, "Your offer  
15 is accepted, provided that within 30 days" --

16 MS. GEPHARDT: These reports were filed.

17 MR. O'BRIEN: And any reports that have not  
18 been filed are in fact filed.

19 MS. GEPHARDT: However, I will also note that  
20 citations -- it was noted on their history --  
21 investigative history that the citations for all those  
22 were paid but reports were never demanded.

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1 CHAIRPERSON MILLER: So the -- so the  
2 quarterly reports you're referring to, those are from  
3 the year 2009 and '10 or

4 MS. GEPHARDT: Yeah.

5 CHAIRPERSON MILLER: Okay.

6 MS. GEPHARDT: Fortunately, the one today  
7 that - - we're only concerned with the one to failure  
8 to file for --

9 CHAIRPERSON MILLER: Right.

10 MS. GEPHARDT: -- the third quarter of 2011.

11 CHAIRPERSON MILLER: And that's been filed?

12 MS. GEPHARDT: Yes, yes.

13 CHAIRPERSON MILLER: Okay.

14 MS. GEPHARDT: Yes, Neil has confirmed that  
15 that one has been.

16 CHAIRPERSON MILLER: Okay. Is it possible --  
17 are you going to be able to generate those quarterly  
18 reports for 2009 and '10?

19 MR. TRULOVE: Yes.

20 CHAIRPERSON MILLER: Okay. Go ahead.

21 MR. O'BRIEN: If indeed they've not already  
22 been filed.

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1 CHAIRPERSON MILLER: Okay. Any other  
2 questions on this?

3 (No audible response.)

4 CHAIRPERSON MILLER: Okay. My understanding  
5 of the offer in compromise is a fine of \$7500, \$4000  
6 for quarterly statements, \$2000 for no ABC manager on  
7 duty, and \$1500 for the books and records. In  
8 addition, any quarterly reports that haven't been filed  
9 for the years 2009 and '10 will be filed within 30  
10 days.

11 MR. O'BRIEN: That's correct.

12 CHAIRPERSON MILLER: Okay. And -- all right.  
13 So let me -- you're acceptable to that offer in  
14 compromise?

15 MR. TRULOVE: Yes.

16 CHAIRPERSON MILLER: And you understand that  
17 you waive your right to a hearing by accepting an offer  
18 in compromise?

19 (No audible response.)

20 CHAIRPERSON MILLER: Okay. Any questions  
21 from Board members?

22 (No audible response.)

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1 CHAIRPERSON MILLER: Okay. Then I would move  
2 that the Board accept this offer in compromise for  
3 \$7500 to be paid today and any quarterly reports that  
4 haven't been filed from the years 2009 and '10 will be  
5 filed within 30 days.

6 Do I have a second?

7 BOARD MEMBER: Second.

8 CHAIRPERSON MILLER: Any comments?

9 (No audible response.)

10 CHAIRPERSON MILLER: Okay. There's a motion  
11 for the Board that's been seconded. All those in  
12 favor, say aye?

13 (Chorus of ayes.)

14 CHAIRPERSON MILLER: All those opposed?

15 BOARD MEMBER: Opposed.

16 CHAIRPERSON MILLER: All those abstaining?

17 (No audible response.)

18 CHAIRPERSON MILLER: Okay. Then the vote is  
19 5- 1-0 to approve the offer in compromise.

20 PARTICIPANT: Thank you.

21 CHAIRPERSON MILLER: Thank you.

22 MS. GEPHARDT: Thank you.

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CHAIRPERSON MILLER: Thanks.  
  
(WHEREUPON, at 1:50 p.m., the hearing was  
concluded.)

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CERTIFICATE OF NOTARY PUBLIC

I, BRADLEY ANGLIN, the officer before whom the foregoing hearing was taken, do hereby certify that the testimony appearing in the foregoing transcript was recorded by me and thereafter reduced to typewriting under my direction; that said transcription is a true record of the testimony given by said parties; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

\_\_\_\_\_

BRADLEY ANGLIN  
Notary Public in and for  
DISTRICT OF COLUMBIA

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1 CERTIFICATE OF TRANSCRIPTION

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3 I, MIRANDA PENNACHI, hereby certify that I am not  
4 the Court Reporter who reported the following  
5 proceeding and that I have typed the transcript of this  
6 proceeding using the Court Reporter's notes and  
7 recordings. The foregoing/attached transcript is a  
8 true, correct and complete transcription of said  
9 proceeding.

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Date

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MIRANDA PENNACHI  
Transcriptionist

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<p style="text-align: center;"><u>        </u> \$</p> <p><b>\$1500</b> 4:5 8:7</p> <p><b>\$2000</b> 4:4 8:6</p> <p><b>\$4000</b> 4:2 8:5</p> <p><b>\$7500</b> 4:5 8:5 9:3</p> <p style="text-align: center;"><u>        </u> 1</p> <p><b>1</b> 3:21</p> <p><b>1:41</b> 2:2</p> <p><b>1:43</b> 3:8,9</p> <p><b>1:50</b> 10:2</p> <p><b>10</b> 7:3,18 8:9 9:4</p> <p><b>1-0</b> 9:19</p> <p><b>12-CMP-00002</b> 1:9 2:6</p> <p><b>14th</b> 1:16</p> <p><b>18</b> 1:14</p> <p style="text-align: center;"><u>        </u> 2</p> <p><b>2</b> 4:3</p> <p><b>2000</b> 1:16</p> <p><b>2009</b> 4:21 5:14 7:3,18 8:9 9:4</p> <p><b>2010</b> 5:15</p> <p><b>2011</b> 4:1 7:10</p> <p><b>2012</b> 1:14</p> <p><b>2116</b> 1:7 2:7</p> <p><b>2A</b> 1:9 2:8</p> <p style="text-align: center;"><u>        </u> 3</p> <p><b>3</b> 4:4</p> <p><b>30</b> 6:15 8:9 9:5</p> <p style="text-align: center;"><u>        </u> 5</p> <p><b>5</b> 9:19</p> <p style="text-align: center;"><u>        </u> 7</p>	<p><b>78312</b> 1:8 2:7</p> <p style="text-align: center;"><u>        </u> A</p> <p><b>ABC</b> 1:10 4:3 8:6</p> <p><b>able</b> 7:17</p> <p><b>abstaining</b> 9:16</p> <p><b>accept</b> 3:20 9:2</p> <p><b>acceptable</b> 8:13</p> <p><b>accepted</b> 4:9,12 6:15</p> <p><b>accepting</b> 8:17</p> <p><b>accompanied</b> 2:18</p> <p><b>action</b> 11:10,14</p> <p><b>add</b> 5:5</p> <p><b>addition</b> 8:8</p> <p><b>Adequate</b> 1:11</p> <p><b>adjudicated</b> 4:22 5:9</p> <p><b>administrative-</b> <b>type</b> 4:13</p> <p><b>afternoon</b> 2:3,4,6</p> <p><b>Agency</b> 2:22</p> <p><b>agreeable</b> 4:10</p> <p><b>agreed</b> 5:2</p> <p><b>ahead</b> 7:20</p> <p><b>ALBERTI</b> 1:19 3:3,7</p> <p><b>Alcoholic</b> 1:2,15,16</p> <p><b>already</b> 7:21</p> <p><b>am</b> 11:9,11 12:3</p> <p><b>ANC</b> 1:9 2:8</p> <p><b>ANGLIN</b> 11:3,19</p> <p><b>apparently</b> 5:1</p> <p><b>appearing</b> 11:5</p>	<p><b>approve</b> 9:19</p> <p><b>attorney</b> 3:13 11:12</p> <p><b>audible</b> 8:3,19,22 9:9,17</p> <p><b>avoid</b> 4:17</p> <p><b>aye</b> 9:12</p> <p><b>ayes</b> 9:13</p> <p style="text-align: center;"><u>        </u> B</p> <p><b>behalf</b> 2:17 3:13</p> <p><b>believe</b> 3:3,5 4:9</p> <p><b>Beverage</b> 1:2,15,16</p> <p><b>Bistro</b> 1:7 2:7</p> <p><b>Board</b> 1:2,16 3:19,20 4:11,22 6:14 8:21 9:2,7,11,15</p> <p><b>Board's</b> 5:19 6:10</p> <p><b>books</b> 1:12 4:5 8:7</p> <p><b>bottom</b> 6:1</p> <p><b>BRADLEY</b> 11:3,19</p> <p><b>BROOKS</b> 1:20</p> <p><b>Building</b> 1:16</p> <p style="text-align: center;"><u>        </u> C</p> <p><b>calendar</b> 2:6</p> <p><b>CALVIN</b> 1:21</p> <p><b>case</b> 1:9 2:5,6</p> <p><b>Catering</b> 1:6 2:18,20</p> <p><b>cause</b> 1:8 2:8 3:15</p> <p><b>CERTIFICATE</b> 11:1 12:1</p> <p><b>certify</b> 11:4 12:3</p>	<p><b>CH</b> 1:8</p> <p><b>Chairperson</b> 1:17,19 2:3,5,12,15,21 3:2,6,10,14 6:3,5,12 7:1,5,9,11,13,16, 20 8:1,4,12,16,20 9:1,8,10,14,16,1 8,21 10:1</p> <p><b>changed</b> 5:22</p> <p><b>Charge</b> 3:21 4:3,4</p> <p><b>Chorus</b> 9:13</p> <p><b>CHRISSY</b> 1:22</p> <p><b>citations</b> 5:8 6:20,21</p> <p><b>COLUMBIA</b> 1:1 11:21</p> <p><b>comments</b> 9:8</p> <p><b>complete</b> 5:22 12:8</p> <p><b>compromise</b> 3:19 6:4,6 8:5,14,18 9:2,19</p> <p><b>concerned</b> 6:11 7:7</p> <p><b>concluded</b> 10:3</p> <p><b>condition</b> 6:2</p> <p><b>confirmed</b> 7:14</p> <p><b>considers</b> 4:11</p> <p><b>Control</b> 1:2,15,16</p> <p><b>copies</b> 5:3</p> <p><b>correct</b> 8:11 12:8</p> <p><b>counsel</b> 11:9,12</p> <p><b>Court</b> 12:4,6</p> <p><b>covenanted</b> 5:17</p>
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