

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

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IN THE MATTER OF: :
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HHC TRS Melrose, LLC :
t/a Melrose Hotel :
2430 Pennsylvania Avenue, NW : Show Cause
Retailer CH : Hearing
License No. 75008 :
Case No. 12-CMP-00248 :
ANC 2A :
Failed to Conspicuously Post :
Licenses; Failed to Post :
Pregnancy Sign; Failed to Post:
Legal Drinking Age Notice :
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MAY 1, 2013

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
MICHAEL SILVERSTEIN, Member

ALSO PRESENT
CHRISTINE GEPHARDT, OAG

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

2:38 p.m.

CHAIRPERSON MILLER: Next is Case
No. 12-CMP-00248, Melrose Hotel located at
2430 Pennsylvania Avenue, N.W., License No.
75008 in ANC 2A.

MS. GEPHARDT: Good afternoon.
Chrissy Gephardt on behalf of the District of
Columbia.

CHAIRPERSON MILLER: Good
afternoon.

MR. DANTONI: Hi, Joe Dantoni on
behalf of Melrose Hotel.

CHAIRPERSON MILLER: What's your
name? I'm sorry.

MR. DANTONI: Joe Dantoni, D-A-N-
T-O-N-I.

CHAIRPERSON MILLER: And what's
your relationship to the hotel?

MR. DANTONI: I'm the general
manager.

CHAIRPERSON MILLER: All right.

1 This is a show cause hearing. Are there any
2 preliminary matters?

3 MS. GEPHARDT: Well, Madam
4 Chairperson, we have just within the last 10
5 minutes come to some -- an issue has arisen
6 with whether this license was transferred to
7 new ownership which would affect how we deal
8 with this case. And so I was hoping we could
9 have a brief indulgence. Fred is looking up
10 some stuff as we speak and I would like to
11 wait until he fills me in on that. Is that
12 possible?

13 CHAIRPERSON MILLER: Yes. How
14 much time do you think you need?

15 MS. GEPHARDT: Well, I'm hoping he
16 can get back to me within the next 5 to 10
17 minutes.

18 CHAIRPERSON MILLER: Okay. Sure.

19 MS. GEPHARDT: Okay.

20 CHAIRPERSON MILLER: All right.

21 MEMBER JONES: Point of order for
22 clarification purposes?

1 CHAIRPERSON MILLER: Yes.

2 MEMBER JONES: You indicated
3 you're the general manager. Do you have a
4 letter from the ownership or --

5 MR. DANTONI: Our attorney?

6 MEMBER JONES: Power of attorney?
7 Yes.

8 MR. DANTONI: Yes, I do.

9 MEMBER JONES: Okay. Has that
10 been provided to us?

11 MR. DANTONI: No, it has not yet.

12 MEMBER JONES: Okay. Madam Chair?

13 CHAIRPERSON MILLER: Yes?

14 MEMBER JONES: I would hope that
15 you'd act on that expeditiously.

16 CHAIRPERSON MILLER: Okay. Why
17 don't you give that letter to our assistant
18 Ms. Walker and we can have a chance to look
19 that over as well while you are taking your 5
20 or 10 minutes to deal with the other issue?

21 MS. GEPHARDT: All right. Thank
22 you.

1 CHAIRPERSON MILLER: Thank you.

2 MS. GEPHARDT: Thank you.

3 (Whereupon, 2:40 p.m. off the
4 record until 2:54 p.m.)

5 CHAIRPERSON MILLER: Okay. Are
6 you all ready to proceed?

7 MS. GEPHARDT: Yes, we are ready
8 to proceed.

9 CHAIRPERSON MILLER: Okay. I just
10 want to say that we've checked the records and
11 we're fine with Mr. Dantoni representing the
12 Licensee.

13 Okay. So where are you now?

14 MS. GEPHARDT: First of all, thank
15 you for the indulgence. We had some questions
16 about whether the license was transferred or
17 changed ownership, but we have that resolved
18 now.

19 We do have a -- did he introduce
20 himself? That's right, he did. I did. We've
21 already done that. Okay.

22 CHAIRPERSON MILLER: Right, and I

1 just said he was fine to proceed to represent.

2 MS. GEPHARDT: Okay.

3 CHAIRPERSON MILLER: Okay.

4 MS. GEPHARDT: Just wasn't sure if
5 we had stated our names.

6 CHAIRPERSON MILLER: I know.

7 Okay.

8 MS. GEPHARDT: We do have a
9 preliminary matter in this case. The parties
10 have agreed to a \$4,100 fine. That would
11 include a \$2,000 fine for charge 1, a \$2,000
12 fine for charge 3, and a \$100 fine for charge
13 2, for a total of \$4,100 to be paid within 30
14 days.

15 CHAIRPERSON MILLER: Okay. All
16 right. Well, let me repeat this back to you
17 first of all, Mr. Dantoni. The Government has
18 represented that you are in agreement with a
19 proposed Offer in Compromise of a total of
20 \$4,100. Broken down as to the charges would
21 be \$2,000 for charge 1, \$100 for charge 2,
22 \$2,000 for charge 3, all payable within 30

1 days.

2 MR. DANTONI: That's correct.

3 CHAIRPERSON MILLER: Okay. And is
4 it your understanding that you waive your
5 right to a hearing if you accept this Offer in
6 Compromise?

7 MR. DANTONI: Yes.

8 CHAIRPERSON MILLER: Okay. Do
9 Board Members have any questions?

10 MEMBER ALBERTI: Can we talk just
11 briefly?

12 CHAIRPERSON MILLER: Okay. Do you
13 have any questions for them first?

14 MEMBER ALBERTI: No, not for them.

15 CHAIRPERSON MILLER: Okay. All
16 right. There's a request that we --

17 MEMBER ALBERTI: Legal advice.

18 CHAIRPERSON MILLER: -- yes,
19 confer with our attorney momentarily in
20 executive session.

21 MEMBER ALBERTI: I apologize.

22 CHAIRPERSON MILLER: So, all

1 right. Okay. As Chairperson of the Alcoholic
2 Beverage Control Board for the District of
3 Columbia and in accordance with Section 405 of
4 the Open Meetings Amendment Act of 2010, I
5 move that the ABC Board hold a closed meeting
6 for the purpose of seeking legal advice from
7 our counsel on Case No. 12-CMP-00248, Melrose
8 Hotel. Is there a second?

9 MEMBER BROOKS: Second.

10 CHAIRPERSON MILLER: Okay. Now
11 that the motion has been seconded, I'll take
12 a roll call. Mr. Brooks?

13 MEMBER BROOKS: I agree.

14 CHAIRPERSON MILLER: Mr. Alberti?

15 MEMBER ALBERTI: I agree.

16 CHAIRPERSON MILLER: Ms. Miller
17 agrees. Mr. Silverstein?

18 MEMBER SILVERSTEIN: I agree.

19 CHAIRPERSON MILLER: Mr. Jones?

20 MEMBER JONES: I agree.

21 CHAIRPERSON MILLER: The motion
22 has passed by a 5-0-0 vote. I hereby give

1 notice that the ABC Board will recess this
2 proceeding to hold a closed meeting in the ABC
3 Board conference room pursuant to the Open
4 Meetings Amendment Act of 2010 and we will
5 return shortly.

6 (Whereupon, at 2:59 p.m. off the
7 record until 3:06 p.m.)

8 (No audible response.)

9 CHAIRPERSON MILLER: So we're back
10 on the record and the Board has before us an
11 Offer in Compromise agreed to by both parties
12 in this case of a total of \$4,100 broken down
13 as \$2,000 for charge 1, \$100 for charge 2,
14 \$2,000 for charge 3, and to be paid within 30
15 days. So I would move that we accept this
16 Offer in Compromise.

17 MEMBER SILVERSTEIN: Second.

18 CHAIRPERSON MILLER: Mr.
19 Silverstein has seconded the motion. Any
20 questions or comments?

21 (No audible response.)

22 CHAIRPERSON MILLER: Not hearing

1 anybody, then all those in favor of the
2 motion, say aye? Aye.

3 MEMBER BROOKS: Aye.

4 MEMBER ALBERTI: Aye.

5 MEMBER SILVERSTEIN: Aye.

6 CHAIRPERSON MILLER: All those
7 opposed?

8 MEMBER JONES: Opposed.

9 CHAIRPERSON MILLER: All those
10 abstaining?

11 (No audible response.)

12 CHAIRPERSON MILLER: Then the vote
13 is 4-1-0 to approve the Offer in Compromise.

14 Okay. I'll just sign off on that
15 and then you'll be all set.

16 Okay. That concludes this case
17 then. Thank you very much.

18 (Whereupon, the hearing was
19 concluded at 3:11 p.m.)
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