

**THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD**

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<b>In the Matter of:</b>	)	
	)	
Capital Riverfront Hotel, LLC	)	Case No.: 19-AUD-00030
t/a Hampton Inn & Suites Washington D.C./Navy Yard Area)	)	License No.: ABRA-099532
	)	Order No.: 2020-204
Holder of a	)	
Retailer's Class CH License	)	
	)	
at premises	)	
1265 1st Street, SE	)	
Washington, D.C. 20003	)	

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**BEFORE:** Donovan Anderson, Chairperson  
James Short, Member  
Bobby Cato, Member  
Rema Wahabzadah, Member  
Rafi Aliya Crockett, Member  
Jeni Hansen, Member  
Edward S. Grandis, Member

**ALSO PRESENT:** Capital Riverfront Hotel, LLC, t/a Hampton Inn & Suites Washington  
D.C./Navy Yard Area, Respondent

Risa Hirao, Counsel for the Respondent

Walter Adams II, Assistant Attorney General  
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

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**ORDER APPROVING OFFER IN COMPROMISE**

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The above mentioned parties have petitioned the Alcoholic Beverage Control Board (Board) to approve an offer-in-compromise (OIC) to settle one or more violations of Title 25 of

the D.C. Official Code (Title 25) and Title 23 of the D.C. Municipal Regulations (Title 23) in accordance with D.C. Official Code § 2-509(a).

### **ORDER**

Therefore, on this 13th day of May 2020, the Board **APPROVES** the OIC appended to this Order. The terms of the OIC are as follows:

1. The Respondent pleads guilty to the charge listed in the OIC attached to this Order.
2. The Respondent shall follow and abide by the terms and conditions of the attached OIC in accordance with D.C. Official Code §§ 2-509(a), 25-447(f), and 25-823(a)(6).
3. The Respondent waives all rights to notice or appearance before the Board.
4. The Respondent waives the right to a hearing, call witnesses, present evidence, and otherwise contest the charges as provided in Title 25 and Title 23.
5. The Respondent waives the right to judicial review or appeal of this Order. The Respondent further agrees not to collaterally attack the conviction or sentence imposed by this Order.
6. The parties agree that the attached OIC constitutes the entire agreement of the parties.

The Show Cause hearing in this matter scheduled for May 20, 2020 is cancelled. ABRA shall deliver copies of this Order to the Government and the Respondent.

District of Columbia  
Alcoholic Beverage Control Board

eSigned via SeamlessDocs.com  
*Donovan Anderson*  
Key: 6143b3b0e9b00948b7500981d0c28

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com  
*James Short*  
Key: 242ac3778220e4ac01d157b3283e

James Short, Member

eSigned via SeamlessDocs.com  
*Bobby Cato*  
Key: 25d476e3d0b146474b75b47017d229

Bobby Cato, Member

eSigned via SeamlessDocs.com  
*Rema Wahabzadah, Member*  
Key: bf2ca46b56b74099b18b05b736f16cf

Rema Wahabzadah, Member

eSigned via SeamlessDocs.com  
*Rafi Aleya Crockett, Member*  
Key: b089e61885e179e491d15595c12810c

Rafi Crockett, Member

eSigned via SeamlessDocs.com  
*Jeni Hansen, Member*  
Key: 921729105504474b1c56092c43197

Jeni Hansen, Member

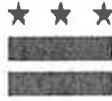
eSigned via SeamlessDocs.com  
*Edward Grandis, Member*  
Key: 5027bda70ff0040ec14ad2e32541ce5

Edward S. Grandis, Member

Pursuant to D.C. Official Code § 25-433(d)(1), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14<sup>th</sup> Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code § 2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 (2008) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b) (2004).

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD



IN THE MATTER OF:  CAPITAL RIVERFRONT HOTEL, LLC t/a HAMPTON INN & SUITES WASHINGTON D.C., NAVY YARD,  Respondent.	Case No. 19-AUD-00030 License No. 99532 Retailer Class C/H
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OFFER IN COMPROMISE FOR BOARD APPROVAL

The District of Columbia, jointly with the licensee (respondent) submits this Offer in Compromise (OIC) to the Alcoholic Beverage Control Board (Board), as authorized by 23 DCMR § 1604.5, for approval by the Board.

The Parties understand that if the Board approves the OIC, this case will conclude and the scheduled Show Cause Hearing will be vacated. Respondent will be obligated to abide by the terms of the OIC: a fine, suspension, both, or other term shown below. If the Board does not approve the OIC, the matter will be continued to the scheduled Show Cause Hearing, currently set for May 20, 2020.

The respondent has been advised that there is no obligation to accept an OIC. Respondent has been advised, through service of the Notice of Status Hearing and Show Cause Hearing that at a Show Cause Hearing, respondent may be represented by legal counsel, have subpoenas issued to require the production of witnesses and

evidence, produce witnesses and evidence, cross-examine witnesses, and apply to the Board for a qualified interpreter.

The OIC terms are as follows.

Charge I: Failure to meet the food sale requirement of \$2,000 per occupant or 45% of the gross annual receipts.

Statutory Authority: D.C. Code §§ 25-113(e)(5)(B)(i) and 25-113(e)(5)(B)(ii).

(1) Fine: \$1,000 to be paid within 90 days or the ABC license will be suspended until the fine is paid.

(2) Suspension: N/A.

(3) Other term: N/A.

Dated: April 30, 2020

Respectfully submitted,

KARL A. RACINE  
Attorney General for the District of Columbia

TONI MICHELLE JACKSON  
Deputy Attorney General  
Public Interest Division

/s/ Kimberly M. Johnson  
KIMBERLY M. JOHNSON [435163]  
Chief, Civil Enforcement Section

/s/ Walter Adams II  
WALTER ADAMS II [459131]  
Assistant Attorney General  
441 Fourth Street, N.W., Suite 630-S  
Washington, D.C. 20001  
(202) 727-6262  
(202) 730-1498 (fax)  
Email: Walter.Adams@dc.gov

ATTORNEYS FOR THE DISTRICT OF COLUMBIA

CONSENT OF RESPONDENT

By this Offer in Compromise, I agree to accept and perform its terms. I acknowledge the validity of the OIC and waive a hearing to which I would have a right under D.C. Code § 25-826. I also recognize that I am waiving any right to appeal an adverse ruling of the Board that might have followed any such hearing. By this settlement, I waive all such rights. I sign this OIC without reservation, and I fully understand its meaning and my rights.

DocuSigned by:  
/s/ Mark Hertzy  
Respondent

May 6, 2020  
DATE

/s/ Risa Hirao  
Attorney for Respondent

May 4, 2020  
DATE

CERTIFICATE OF SERVICE

I certify that on May \_\_, 2020, the foregoing Offer in Compromise for Board Approval was served by electronic mail or by U.S. mail, first class postage pre-paid, to:

Risa Hirao  
Pascal, Weiss & Hirao P.C.  
1008 Pennsylvania Avenue, S.E.  
Washington, D.C. 20003  
rhirao@pascalweiss.com

Martha Jenkins  
General Counsel, ABRA  
2000 14th Street, N.W.  
Suite 400 South  
Washington, D.C. 20009  
Martha.Jenkins@dc.gov

/s/ Walter Adams II  
Walter Adams II  
Assistant Attorney General

**CERTIFICATE OF SERVICE**

I certify that on May 7, 2020, the foregoing Offer in Compromise for Board Approval was served by electronic mail or by U.S. mail, first class postage pre-paid, to:

Risa Hirao  
Pascal, Weiss & Hirao P.C.  
1008 Pennsylvania Avenue, S.E.  
Washington, D.C. 20003  
rhirao@pascalweiss.com

Martha Jenkins  
General Counsel, ABRA  
2000 14th Street, N.W.  
Suite 400 South  
Washington, D.C. 20009  
Martha.Jenkins@dc.gov

/s/ Walter Adams II  
Walter Adams II  
Assistant Attorney General