

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

In the Matter of:)	
)	
)	
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)	

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

ORDER APPROVING OFFER IN COMPROMISE

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 admits to a violation of the statutes or regulations 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 SeambestDocs.com
Donovan Anderson
Key: a1420a9b9a503a4b7500341dc38

Donovan Anderson, Chairperson

eSigned via SeambestDocs.com
James Short
Key: 547ac778225e4ac91e303a2948c

James Short, Member

eSigned via SeambestDocs.com
Bobby Cato
Key: 25d43cadfba146174b75bd7017d29d

Bobby Cato, Member

eSigned via SeambestDocs.com
Rema Wahabzadah, Member
Key: b12ca49b594b74999b19c55b7381d2f

Rema Wahabzadah, Member

eSigned via SeambestDocs.com
Rafi Alya Crockett, Member
Key: b59ba51d45a10e401d155e5c1281e2

Rafi Crockett, Member

eSigned via SeambestDocs.com
Jeni Hansen, Member
Key: 821729165c2447491556b241809

Jeni Hansen, Member

eSigned via SeambestDocs.com
Edward Grandis, Member
Key: 5027bda778f0040ec148deb52541ca5

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 14th 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 St. 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

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 Hertig
CA1804553A445
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