

IN THE MATTER OF: :  
:  
CCHH Host Capitol Hill, :  
LLC, :  
t/a Hyatt Regency :  
Washington :  
400 New Jersey Avenue NW : Show Cause  
Retailer CH - ANC 6C : Hearing (Status)  
License No. 75037 :  
Case #19-CC-00085 :  
:  
(Sale to Minor Violation, :  
Failed to Take Steps :  
Necessary to Ascertain :  
Legal Drinking Age) :

Wednesday  
January 15, 2020

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Donovan W. Anderson, presiding.

PRESENT:  
DONOVAN W. ANDERSON, Chairperson  
BOBBY CATO, JR., Member  
RAFI ALIYA CROCKETT, Member  
JAMES SHORT, JR., Member

**ALSO PRESENT:**

MATTHEW MINORA, Counsel for Licensee  
DAVID BUCKLEY, Licensee  
GAIL SMITH-HOWARD, Licensee  
JOHN LUI, DC OAG

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

10:10 a.m.

CHAIRPERSON ANDERSON: The next case on our calendar is Case Number 19-CC-00085, Hyatt Regency Washington, License Number 75037.

Would the parties please approach and identify themselves for the record, please?

MR. LUI: Good morning, John Lui, on behalf of the District.

CHAIRPERSON ANDERSON: Mr. Lui.

MR. BUCKLEY: Good morning, David Buckley, Vice President of the licensee.

CHAIRPERSON ANDERSON: Good morning, Mr. Buckley.

MS. SMITH-HOWARD: Good morning, Gail Smith-Howard. I'm the General Manager of the Hyatt Regency.

CHAIRPERSON ANDERSON: Good morning, Ms. Howard.

MR. MINORA: Matthew Minora, ABC License Counsel for the licensee.

CHAIRPERSON ANDERSON: Good morning, Mr. Minora. Are there any preliminary matters in this case?

MR. LUI: Yes, there are, Mr.

1 Chairperson.

2 CHAIRPERSON ANDERSON: And what is  
3 that, please?

4 MR. LUI: There is a offer in  
5 compromise to present to the Board.

6 CHAIRPERSON ANDERSON: And, yes, what  
7 is that, please?

8 MR. LUI: For Charge 1, sale to a  
9 minor, the offer in compromise is a warning.

10 And for Charge 2, the failure to  
11 take reasonable steps necessary to ascertain the  
12 legal drinking age, the offer in compromise is a  
13 dismissal of this charge, as the employee did  
14 check the minor's ID.

15 CHAIRPERSON ANDERSON: All right.  
16 Mr. Minora, it's my understanding there's an  
17 offer in compromise.

18 And the offer in compromise is that,  
19 for Charge 1, there is a warning and for Charge  
20 2, it was dismissed, because the licensee did  
21 check the ID.

22 Is this your understanding of the  
23 offer in compromise?

24 MR. MINORA: Yes, that's correct, Mr.  
25 Chair.

1 CHAIRPERSON ANDERSON: Is your client  
2 aware that by accepting an offer in compromise  
3 that they're giving up their right to a hearing?

4 MR. MINORA: Correct.

5 CHAIRPERSON ANDERSON: And is your  
6 client also aware that by accepting an offer in  
7 compromise that they're giving up their right to  
8 appeal this matter?

9 MR. MINORA: That's correct.

10 CHAIRPERSON ANDERSON: With that  
11 said, I make a motion that the offer in  
12 compromise for Charge 1, that a warning be  
13 issued, and that Charge 2 be dismissed, because  
14 the ID was checked.

15 Is there a second?

16 MEMBER SHORT: Second.

17 CHAIRPERSON ANDERSON: Mr. Short has  
18 seconded the motion. All those in favor, say  
19 aye.

20 (Chorus of ayes.)

21 CHAIRPERSON ANDERSON: Those opposed?  
22 The matter passes, 4-0-0. And the agency will  
23 be issuing a Board Order in this matter.

24 This is the Hyatt Regency  
25 Washington. From what I am told, it's an

1 established hotel.

2 How is it, then, we can have a 15-  
3 year-old come into your hotel and be served  
4 alcohol?

5 And on top of that, your server  
6 actually checked her ID and it said she was born  
7 in 2004, and how can someone not recognize the  
8 fact that if someone was born in 2004 and we're  
9 in 2019, and that's not 21?

10 Can you explain to me how was that  
11 so and what is it that you're going to put in  
12 place?

13 I say this to licensees, when we  
14 send a 15-year-old to your establishment, that's  
15 a given. She looks 15. Because everybody will  
16 say, I mean, what is the ABC Board doing? They  
17 just gave us a freebie.

18 But as you see, this same young  
19 woman, you were here for the earlier case, she  
20 goes into establishment and she looks 15, she  
21 presents her ID and every establishment sells  
22 her liquor. Explain that to me, please.

23 MS. SMITH-HOWARD: So, there's really  
24 no explanation for this.

25 The bartender has been with us for

1 42 years and this is -- he has a perfect file  
2 and has never had something like this happen to  
3 him.

4 I actually had a conversation with  
5 him and expressed the same thing, how could you  
6 look at the ID and not calculate the age? He  
7 thought he did in his mind. I can't understand  
8 how his math worked.

9 But I can tell you that he was  
10 honestly remorseful, to the point that he was to  
11 tears and saying that he was so embarrassed, he  
12 couldn't tell us why. He said that he never had  
13 done something like this before and never will.

14 In place, with the hotel, we had  
15 already done yearly training and we do this with  
16 our employees every year.

17 But now, we've bought readers, card  
18 readers for the bartenders, so they won't just  
19 have to try to mentally calculate the age. We  
20 put signs up.

21 We've had one of our managers go  
22 through TIPS training, so now he's a certified  
23 trainer.

24 We've also had the TIPS trainer come  
25 back inside the hotel to do more training on top

1 of what we've done.

2 So, I'm very humble and I truly  
3 apologize that this happened. This is something  
4 that's never happened in our hotel before and it  
5 won't happen again.

6 CHAIRPERSON ANDERSON: I thank you  
7 for that. And as I said, typically, for a first  
8 time violation, the agency issues a warning.

9 But this Board believes that for a  
10 15-year-old, that's egregious and if this Board  
11 could have issued some other sanction, this  
12 Board would do that.

13 However, it says, in our current  
14 rules and regulations, it says that for a first  
15 time violation, it is a warning.

16 However, this Board believes that we  
17 want the licensee to come, for us to say to them  
18 how egregious we believe this is.

19 That if -- you would not get a  
20 speech from me if it's a 18 or a 19 or a 20-  
21 year-old, because, yes, it's fuzzy.

22 Although we try not to, we don't use  
23 folks who -- reasonable people would look at  
24 these young folks and say what their ages are.

25 But when you start getting to 18,

1 19, 20, all right, one can make mistakes. Or  
2 even, one can make mistakes with the  
3 calculation.

4 But when it comes to 15 and she  
5 looks 15 and her ID -- I think, at a minimum,  
6 it's a different ID. It's -- the ID is  
7 completely different, it's a different shape.  
8 So, that's even a given, if you check the ID.

9 And sometimes I say, it's better to  
10 say, we never checked the ID, because at least  
11 that's one, but it's even more so when you have  
12 checked an ID, it's a different ID and you just  
13 move on with it.

14 Yes, Mr. Short?

15 MEMBER SHORT: I'd like to say that  
16 I'm very familiar with Hyatt Regency on Capitol  
17 Hill and it's a marvelous hotel. I think it's  
18 the closest hotel to our US Capitol Building.

19 And this is a first time, since I've  
20 been a Board Member, that I've had an  
21 opportunity or the displeasure to have you  
22 before us.

23 And I thank you for saying that you  
24 talked with this person, counseled this person,  
25 and hopefully it won't happen again.



1                   But I just want to go on record that  
2                   this hotel, this establishment is known for its  
3                   hospitality and its good service. And I just  
4                   want to put that on the record. Thank you very  
5                   much, Hyatt Regency.

6                   CHAIRPERSON ANDERSON: Thank you, Mr.  
7                   Short. All right. With that, we'll issue a  
8                   Board Order. And so, thank you for being here  
9                   today.

10                  MS. SMITH-HOWARD: Thank you.

11                  MR. BUCKLEY: Thank you.

12                  MR. MINORA: Thank you.

13                  (Whereupon, the above-entitled  
14                  matter went off the record at 10:17 a.m.)  
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<b>A</b> <b>a.m</b> 2:2 9:14 <b>ABC</b> 2:20 5:16 <b>above-entitled</b> 9:13 <b>accepting</b> 4:2,6 <b>age</b> 1:12 3:12 6:6,19 <b>agency</b> 4:22 7:8 <b>ages</b> 7:24 <b>alcohol</b> 5:4 <b>Alcoholic</b> 1:2,15,16 <b>ALIYA</b> 1:21 <b>ANC</b> 1:8 <b>Anderson</b> 1:17,20 2:3 2:10,13,18,22 3:2,6 3:15 4:1,5,10,17,21 7:6 9:6 <b>apologize</b> 7:3 <b>appeal</b> 4:8 <b>approach</b> 2:6 <b>ascertain</b> 1:11 3:11 <b>Avenue</b> 1:8 <b>aware</b> 4:2,6 <b>aye</b> 4:19 <b>eyes</b> 4:20	2:3,10,13,18,22 3:1,2 3:6,15 4:1,5,10,17,21 7:6 9:6 <b>charge</b> 3:8,10,13,19,19 4:12,13 <b>check</b> 3:14,21 8:8 <b>checked</b> 4:14 5:6 8:10 8:12 <b>Chorus</b> 4:20 <b>client</b> 4:1,6 <b>closest</b> 8:18 <b>COLUMBIA</b> 1:1 <b>come</b> 5:3 6:24 7:17 <b>comes</b> 8:4 <b>completely</b> 8:7 <b>compromise</b> 3:5,9,12 3:17,18,23 4:2,7,12 <b>Control</b> 1:2,15,16 <b>conversation</b> 6:4 <b>correct</b> 3:24 4:4,9 <b>Counsel</b> 1:23 2:21 <b>counseled</b> 8:24 <b>CROCKETT</b> 1:21 <b>current</b> 7:13	<b>file</b> 6:1 <b>first</b> 7:7,14 8:19 <b>folks</b> 7:23,24 <b>freebie</b> 5:17 <b>fuzzy</b> 7:21	<b>looks</b> 5:15,20 8:5 <b>Lui</b> 1:25 2:8,8,10,25 3:4 3:8
<b>B</b> <b>back</b> 6:25 <b>bartender</b> 5:25 <b>bartenders</b> 6:18 <b>behalf</b> 2:9 <b>believe</b> 7:18 <b>believes</b> 7:9,16 <b>better</b> 8:9 <b>Beverage</b> 1:2,15,16 <b>Board</b> 1:2,15 3:5 4:23 5:16 7:9,10,12,16 8:20 9:8 <b>BOBBY</b> 1:20 <b>born</b> 5:6,8 <b>bought</b> 6:17 <b>Buckley</b> 1:24 2:11,12 2:14 9:11 <b>Building</b> 1:16 8:18	<b>D</b> <b>D.C</b> 1:17 <b>David</b> 1:24 2:11 <b>DC</b> 1:25 <b>different</b> 8:6,7,7,12 <b>dismissal</b> 3:13 <b>dismissed</b> 3:20 4:13 <b>displeasure</b> 8:21 <b>District</b> 1:1 2:9 <b>doing</b> 5:16 <b>Donovan</b> 1:17,20 <b>drinking</b> 1:12 3:12	<b>G</b> <b>Gail</b> 1:24 2:15 <b>General</b> 2:16 <b>getting</b> 7:25 <b>given</b> 5:15 8:8 <b>giving</b> 4:3,7	<b>M</b> <b>Manager</b> 2:16 <b>managers</b> 6:21 <b>marvelous</b> 8:17 <b>math</b> 6:8 <b>matter</b> 1:5 4:8,22,23 9:14 <b>matters</b> 2:23 <b>Matthew</b> 1:23 2:20 <b>mean</b> 5:16 <b>MEETING</b> 1:3 <b>Member</b> 1:20,21,21 4:16 8:15,20 <b>mentally</b> 6:19 <b>met</b> 1:16 <b>mind</b> 6:7 <b>minimum</b> 8:5 <b>minor</b> 1:10 3:9 <b>minor's</b> 3:14 <b>Minora</b> 1:23 2:20,20,23 3:16,24 4:4,9 9:12 <b>mistakes</b> 8:1,2 <b>morning</b> 2:8,11,13,15 2:18,22 <b>motion</b> 4:11,18 <b>move</b> 8:13
<b>C</b> <b>calculate</b> 6:6,19 <b>calculation</b> 8:3 <b>calendar</b> 2:4 <b>Capitol</b> 1:6 8:16,18 <b>card</b> 6:17 <b>case</b> 1:9 2:3,4,24 5:19 <b>CATO</b> 1:20 <b>Cause</b> 1:8 <b>CCHH</b> 1:6 <b>certified</b> 6:22 <b>CH</b> 1:8 <b>Chair</b> 3:25 <b>Chairperson</b> 1:17,20	<b>E</b> <b>earlier</b> 5:19 <b>egregious</b> 7:10,18 <b>embarrassed</b> 6:11 <b>employee</b> 3:13 <b>employees</b> 6:16 <b>established</b> 5:1 <b>establishment</b> 5:14,20 5:21 9:2 <b>everybody</b> 5:15 <b>explain</b> 5:10,22 <b>explanation</b> 5:24 <b>expressed</b> 6:5	<b>H</b> <b>happen</b> 6:2 7:5 8:25 <b>happened</b> 7:3,4 <b>hearing</b> 1:8,16 4:3 <b>Hill</b> 1:6 8:17 <b>honestly</b> 6:10 <b>hopefully</b> 8:25 <b>hospitality</b> 9:3 <b>Host</b> 1:6 <b>hotel</b> 5:1,3 6:14,25 7:4 8:17,18 9:2 <b>Howard</b> 2:19 <b>humble</b> 7:2 <b>Hyatt</b> 1:7 2:5,17 4:24 8:16 9:5	<b>I</b> <b>ID</b> 3:14,21 4:14 5:6,21 6:6 8:5,6,6,8,10,12,12 <b>identify</b> 2:7 <b>inside</b> 6:25 <b>issue</b> 9:7 <b>issued</b> 4:13 7:11 <b>issues</b> 7:8 <b>issuing</b> 4:23
	<b>F</b> <b>fact</b> 5:8 <b>Failed</b> 1:11 <b>failure</b> 3:10 <b>familiar</b> 8:16 <b>favor</b> 4:18	<b>J</b> <b>JAMES</b> 1:21 <b>January</b> 1:14 <b>Jersey</b> 1:8 <b>John</b> 1:25 2:8 <b>JR</b> 1:20,21	<b>N</b> <b>N.W</b> 1:16 <b>necessary</b> 1:11 3:11 <b>never</b> 6:2,12,13 7:4 8:10 <b>New</b> 1:8 <b>Number</b> 2:4,5 <b>NW</b> 1:8
		<b>K</b> <b>known</b> 9:2	<b>O</b> <b>OAG</b> 1:25 <b>offer</b> 3:4,9,12,17,18,23 4:2,6,11 <b>opportunity</b> 8:21 <b>opposed</b> 4:21 <b>Order</b> 4:23 9:8
		<b>L</b> <b>legal</b> 1:12 3:12 <b>License</b> 1:9 2:5,21 <b>licensee</b> 1:23,24,24 2:12,21 3:20 7:17 <b>licensees</b> 5:13 <b>liquor</b> 5:22 <b>LLC</b> 1:6 <b>look</b> 6:6 7:23	<b>P</b> <b>P-R-O-C-E-E-D-I-N-G-S</b> 2:1 <b>parties</b> 2:6 <b>passes</b> 4:22 <b>people</b> 7:23 <b>perfect</b> 6:1 <b>person</b> 8:24,24 <b>place</b> 5:12 6:14 <b>please</b> 2:6,7 3:3,7 5:22

point 6:10	thought 6:7	20- 7:20
preliminary 2:23	TIPS 6:22,24	2000 1:16
present 1:19,22 3:5	today 9:9	20009 1:17
presents 5:21	told 4:25	2004 5:7,8
President 2:12	top 5:5 6:25	2019 5:9
presiding 1:17	trainer 6:23,24	2020 1:14
put 5:11 6:20 9:4	training 6:15,22,25	21 5:9
<hr/> <b>Q</b> <hr/>	truly 7:2	<hr/> <b>3</b> <hr/>
<hr/> <b>R</b> <hr/>	try 6:19 7:22	<hr/> <b>4</b> <hr/>
RAFI 1:21	typically 7:7	<hr/> <b>4-0-0</b> 4:22
readers 6:17,18	<hr/> <b>U</b> <hr/>	400 1:8
reasonable 3:11 7:23	understand 6:7	400S 1:17
recognize 5:7	understanding 3:16,22	42 6:1
record 2:7 9:1,4,14	use 7:22	<hr/> <b>5</b> <hr/>
Reeves 1:16	<hr/> <b>V</b> <hr/>	<hr/> <b>6</b> <hr/>
Regency 1:7 2:5,17	Vice 2:12	6C 1:8
4:24 8:16 9:5	violation 1:10 7:8,15	<hr/> <b>7</b> <hr/>
regulations 7:14	<hr/> <b>W</b> <hr/>	75037 1:9 2:5
remorseful 6:10	W 1:17,20	
Retailer 1:8	warning 3:9,19 4:12 7:8	
Room 1:16	7:15	
rules 7:14	Washington 1:7,17 2:5	
<hr/> <b>S</b> <hr/>	4:25	
sale 1:10 3:8	Wednesday 1:13	
sanction 7:11	went 9:14	
saying 6:11 8:23	woman 5:19	
says 7:13,14	worked 6:8	
second 4:15,16	<hr/> <b>X</b> <hr/>	
seconded 4:18	<hr/> <b>Y</b> <hr/>	
sells 5:21	year 6:16	
send 5:14	year-old 5:3 7:21	
served 5:3	yearly 6:15	
server 5:5	years 6:1	
service 9:3	young 5:18 7:24	
shape 8:7	<hr/> <b>Z</b> <hr/>	
Short 1:21 4:16,17 8:14	<hr/> <b>0</b> <hr/>	
8:15 9:7	<hr/> <b>1</b> <hr/>	
Show 1:8	10:10 2:2	
signs 6:20	10:17 9:14	
Smith-Howard 1:24	14th 1:16	
2:15,16 5:23 9:10	15 1:14 5:15,20 8:4,5	
speech 7:20	15- 5:2	
start 7:25	15-year-old 5:14 7:10	
Status 1:8	18 7:20,25	
steps 1:11 3:11	19 7:20 8:1	
Street 1:16	19-CC-00085 1:9 2:4	
Suite 1:17	<hr/> <b>2</b> <hr/>	
<hr/> <b>T</b> <hr/>	2 3:10,20 4:13	
t/a 1:7	20 8:1	
talked 8:24		
tears 6:11		
tell 6:9,12		
thank 7:6 8:23 9:4,6,8		
9:10,11,12		

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Hyatt Regency Washington

Before: DCABRA

Date: 01-15-20

Place: Washington, DC

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my direction; further, that said transcript is a  
true and accurate record of the proceedings.

  
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Court Reporter

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