

ALSO PRESENT:

FERNANDO RIVERO, OAG

SCOTT GREEN, Licensee

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

2 9:51 a.m.

3 CHAIRPERSON ANDERSON: The next case
4 on our calendar is Case No. 18-CMP-00253, Kyss
5 Kyss, License No. 72734.

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

8 MR. GREEN: Scott Green.

9 MR. RIVERO: Good morning, Board
10 Members. Fernando Rivero for the District of
11 Columbia.

12 CHAIRPERSON ANDERSON: Good morning,
13 Mr. Rivero. You are, sir?

14 MR. GREEN: Scott Green.

15 CHAIRPERSON ANDERSON: I did -- I
16 can't hear you, sir.

17 MR. GREEN: Scott Green.

18 CHAIRPERSON ANDERSON: Scott, what's
19 your last name?

20 MR. GREEN: Green.

21 CHAIRPERSON ANDERSON: Green? Good
22 morning, Mr. Green. And what's your relationship

1 to this establishment, sir?

2 MR. GREEN: Owner.

3 CHAIRPERSON ANDERSON: You're the
4 owner. Okay. All right.

5 Mr. Rivero, are there any preliminary
6 matters in this case?

7 MR. RIVERO: Yes, there are. The
8 parties have an Offer in Compromise to present to
9 the Board, at this time. The offer is:

10 For Charge 1, a fine of \$1,500 payable
11 in 60 days.

12 For Charge 2, a fine of \$1,500 payable
13 in 60 days.

14 If the payment of \$3,000 is not made
15 within 60 days, the license will be suspended
16 until the payment is received.

17 That is the Offer in Compromise.

18 CHAIRPERSON ANDERSON: Mr. Green, it's
19 my understanding that there is an Offer in
20 Compromise and the Offer in Compromise is that
21 for Charge 1, there is a fine of \$1,500. For
22 Charge 2, there is a fine of \$1,500. For the

1 total fine of \$3,000 payable in 60 days. If the
2 fine is not payable in 60 days, the license will
3 be suspended until the fine has been paid.

4 Is this your -- all right. Let's take
5 a couple of minutes recess.

6 The reason why, Mr. Green, is one of
7 the things I'll say to you is that I always ask
8 folks when they appear in front of me what their
9 relationship is to the establishment, if I do not
10 know.

11 And then looking at the -- at least
12 the information that I have in front of me, it
13 says that Michelle Fletcher is the managing
14 member. So is your name on the license for this
15 establishment, sir?

16 MR. GREEN: Yes.

17 CHAIRPERSON ANDERSON: As -- all
18 right. Is it a part of -- so you are -- as --
19 because I guess what it says is that as a
20 managing member, so therefore so you are a part
21 of the management structure?

22 MR. GREEN: Yes.

1 MEMBER ALBERTI: They are going to
2 check.

3 CHAIRPERSON ANDERSON: Yeah. All
4 right. So I'm just getting conflicting
5 information from the Agency and so one of the
6 reasons, especially since there is an Offer in
7 Compromise, I need to make sure that the person
8 who is appearing in front of me, is that they
9 have the authority to make this agreement,
10 because if it is -- and I'm not saying you are
11 not telling the truth. So I just want you to
12 know that.

13 One of the reasons when, in previous,
14 their attorneys appear and if an attorney says
15 that they are representing an establishment and
16 if that's not true, then I can report them,
17 because I'm an attorney also, so I can report
18 them to the Bar.

19 But if someone shows up here and if I
20 don't know their -- if our records don't reflect
21 who they say they are or if they do not provide
22 us with documentation from -- a letterhead from

1 at least the person that we have on our records
2 to say that they are the attorney -- I'm sorry,
3 they are empowered to represent the agency, then
4 -- so that's where that is from.

5 And so when you gave -- I hadn't heard
6 your name and I look at the information in front
7 of me and it says something else, so that's one
8 of the reasons, so that's why.

9 The problem and maybe you need to
10 provide this to us, sir, because the information
11 that we have in front of us, it says that
12 Michelle Fletcher is the managing member and she
13 is a 100 percent owner.

14 So therefore, in order for us to agree
15 to this Offer in Compromise today, sir, you have
16 to provide this Agency, are you able to provide
17 this Agency by close of business today that --
18 from Michelle Fletcher stating that you are
19 authorized to enter into this Offer in Compromise
20 today?

21 MR. GREEN: Yes, so she can be here
22 later.

1 CHAIRPERSON ANDERSON: No. I'm -- she
2 can -- if she can put something in writing --

3 MR. GREEN: Sure.

4 CHAIRPERSON ANDERSON: -- to us on a
5 letter from -- letterhead from if you -- the name
6 of the establishment is 12 Twelve/Kyss Kyss. I
7 mean, do you got -- does this establishment have
8 letterhead?

9 MR. GREEN: Yes.

10 CHAIRPERSON ANDERSON: So as long as
11 she provides something to this Agency by close of
12 business today stating that she authorizes you to
13 enter in this Offer in Compromise, then it will
14 be accepted.

15 All right. So --

16 MR. RIVERO: The Government has no
17 objection to that.

18 CHAIRPERSON ANDERSON: All right.
19 Thank you, Mr. Rivero. And I know this is not
20 your case. I think it is listed as not your
21 case.

22 MR. RIVERO: None of these are.

1 CHAIRPERSON ANDERSON: Well, so you
2 will find out. It's listed that you are just the
3 attorney. You are the attorney of record today,
4 so this is not your case. You are not the one
5 who entered into negotiation with --

6 MR. RIVERO: Right.

7 CHAIRPERSON ANDERSON: -- the
8 ownership of this establishment. All right.

9 So, Mr. Green, this is where we are
10 today. There is an Offer in Compromise and the
11 Offer in Compromise is a fine of \$1,500 for the
12 first case. Charge 2 is \$1,500. For a total
13 fine of \$3,000 payable within 60 days. If the
14 fine is not payable within 60 days, the license
15 will be suspended.

16 As part of this agreement, you need to
17 provide this Agency by close of business today
18 with authorization stating that you can enter
19 into this Offer in Compromise. And the
20 authorization needs to be provided from Michelle
21 Fletcher. She is the person that we have as the
22 owner of this establishment.

1 If that is not correct, sir, you need
2 to provide this Agency at another time, but you
3 need to provide this Agency with your official
4 relationship with the establishment.

5 So therefore, what it is is that if
6 you are going to say that you are the owner, you
7 need to make sure that the Agency here has
8 information that reflects your name and the
9 information that we have on the license does not
10 reflect your name. Is that clear?

11 MR. GREEN: Yes.

12 CHAIRPERSON ANDERSON: All right. So
13 with that said, I make a motion that the Offer in
14 Compromise be accepted. Is there a second?

15 MEMBER SHORT: Second.

16 CHAIRPERSON ANDERSON: Mr. Short has
17 seconded the motion.

18 All those in favor say aye.

19 ALL: Aye.

20 CHAIRPERSON ANDERSON: Those opposed?
21 The matter passes 6-0-0.

22 So that's with the understanding this

1 -- if this information is not provided, sir, we
2 are going to have a Show Cause Hearing on May 15th
3 at -- I'm sorry. We are going to have a Show
4 Cause Hearing on June 5th at 11:00 a.m.

5 And so the Agency will provide you the
6 contact information, how you can provide this
7 information to the Agency. Okay, sir?

8 MR. GREEN: Yes.

9 CHAIRPERSON ANDERSON: All right.

10 Thank you.

11 MR. GREEN: Thank you.

12 CHAIRPERSON ANDERSON: So I'll give
13 you this documentation to sign-off and then you
14 will provide us the requested information. Thank
15 you, sir.

16 MR. GREEN: Thank you.

17 CHAIRPERSON ANDERSON: All right.

18 (Whereupon, the Show Cause (Status)
19 Hearing was concluded at 9:59 a.m.)
20
21
22

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This is to certify that the foregoing transcript

In the matter of: Kyss Kyss

Before: DC ABRA

Date: 05-01-19

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

Neal R Gross

Court Reporter

NEAL R. GROSS

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