

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

In the Matter of:)
)
Addis Ethiopian Restaurant, LLC)
t/a Addis Ethiopian Restaurant)
)
Holder of a)
Retailer's Class CR License)
)
)
at premises)
707 H Street, N.E.)
Washington, D.C. 20002)
)

Case Nos.: 17-CMP-00665
License No.: ABRA-097534
Order No.: 2018-382

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member
Donald Isaac, Member
Bobby Cato, Member
Rema Wahabzadah, Member

ALSO PRESENT: Addis Ethiopian Restaurant LLC, t/a Addis Ethiopian Restaurant,
Respondent

Walter Adams, Assistant Attorney General, on behalf of the
District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER APPROVING THE OFFER-IN-COMPROMISE

This matter arises from a Notice of Status and Show Cause Hearing (Notice) issued by the Alcoholic Beverage Control Board (Board) in the matter of Addis Ethiopian Restaurant, LLC, t/a Addis Ethiopian Restaurant (Respondent) located at 707 H Street, N.E., Washington, D.C. 20002.

The Alcoholic Beverage Regulation Administration (ABRA) served the Notice in Case Number 17-CMP-00665 on the Respondent on April 7, 2018. *ABRA Show Cause File No. 17-CMP-000665*. The Notice charges the Respondent with five (5) violations, which if proven true, would justify the imposition of a fine, as well as the suspension or revocation of the Respondent's license.

Specifically, the Notice in Case No. 17-CMP-00665 charged the Respondent with the following violations:

- Charge I: [On September 7, 2017], you failed to have a Board approved manager present at the licensed establishment during the hours that alcoholic beverages are permitted to be sold, served or consumed on the licensed premises, in violation of D.C. Official Code § 25-701 . . .
- Charge II: You failed to failed to keep and maintain upon the licensed premises for a period of three years, records which include invoices and delivery slips which adequately and fully reflect all purchases, sales, and deliveries of all alcoholic beverages except beer, in violation of D.C. Official Code § 25-823(5) . . .
- Charge III: You, a holder of an on-premises Retailer Class C license, purchased alcoholic beverages from an off-premises licensed retailer, in violation of D.C. Official Code § 25-113(a)(5)(A) . . .
- Charge IV: You imported, transported, or caused to be imported or transported alcoholic beverages into the District from outside the District without an importation permit in violation of D.C. Official Code §§ 25-722(a) and 25-119 . . .
- Charge V: You violated your Settlement Agreement, approved by the Board on May 6, 2015, by failing to keep the lids to trash cans closed, for which the Board may take action pursuant to D.C. Official Code § 25-823(a)(6) . . .

ABRA Show Cause File No. 17-CMP-00665, Notice of Status Hearing and Show Cause Hearing, 2-5 (April 4, 2018).

At the Show Cause Hearing held on June 13, 2018, the Respondent was represented by the Respondent's Agent, D'Maz Lumukanda, and the General Manager, Solomon Yesuf. The owner, Eskinder Haile, was not present. The Respondent and the Government entered into an Offer-in-Compromise (OIC), which resolved the charges set forth above.

The terms of the OIC are as follows:

1. For Charge I – The Respondent shall pay a \$2,000 fine for the violation alleged in Charge I.
2. For Charge II – The Respondent shall pay a \$4,500 fine for the violation alleged in Charge II.
3. For Charge III – The Respondent shall pay a \$4,500 fine for the violation alleged in Charge III.
4. For Charge IV – Warning.
5. For Charge V – Warning.

By agreeing to the terms of the OIC, the Respondent hereby waives its right to a Show Cause Hearing and appeal.

ORDER

Therefore, the Board, on this 20th day of June 2018, hereby **APPROVES** the OIC proffered by the Government and the Respondent.

IT IS ORDERED that the Respondent will:

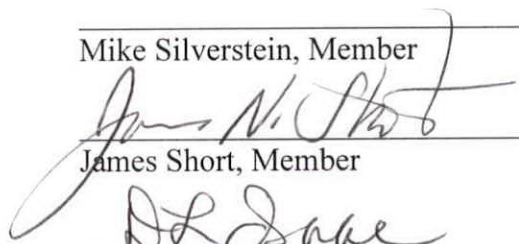
- (1) Remit the fine in the total sum of \$11,000 in Case No. 17-CMP-00665 payable on or before September 13, 2018. Failure to remit the amount in full within the time specified will result in the suspension of the license until the amount is paid.

A copy of this Order shall be sent to the Respondent and to the Government.

District of Columbia
Alcoholic Beverage Control Board


Donovan Anderson, Chairperson

Mike Silverstein, Member


James Short, Member


Donald Isaac, Member


Bobby Cato, Member

Rema Wahabzadah, Member

The sole owner of the Addis Ethiopian Restaurant ABRA license, Eskinder Haile, was not present for the hearing on June 13, 2018. Mr. D'Maz Lumukanda and Mr. Solomon Yesuf presented themselves at the hearing as representatives of the licensee. Mr. Lumukanda submitted an Attorney/Agent Designation that was not signed by the licensee, Mr. Eskinder. The form was signed only by Mr. Lumukanda. This does not constitute evidence that Mr. Lumukanda is a bona fide representative of the licensee. Mr. Lumukanda is not a member of the DC Bar and has not provided any written authorization from Mr. Eskinder Haile. Furthermore, Selamawit Taddese (the holder of the Temporary Manager's License (#107856), rather than the licensee, signed the service form acknowledging receipt of notice of the June 13, 2018 hearing.

That leaves us without any evidence that Mr. Eskinder Haile, the true and actual owner of the establishment, authorized Mr. Lumukanda or Mr. Yesef to represent him, or that he was even made aware of the hearing and the alleged violations. It is for those reasons that I dissent from the decision of the majority of the Board.


Nick Alberti, 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 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).