

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE AND CANNABIS BOARD**

In the Matter of:

Aqua NYA LLC
t/a Aqua Restaurant

Holder of a
Retailer's Class CN License

at premises
1818 New York Avenue, NE, Unit A
Washington, D.C. 20002

Case No.: 23-251-00013
License No.: ABRA-060477
Order No.: 2023-481

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Jeni Hansen, Member
Edward S. Grandis, Member

ALSO PRESENT: Aqua NYA LLC, t/a Aqua Restaurant, Respondent

Anthony P. Celso, Assistant Attorney General
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage and Cannabis Administration

ORDER APPROVING THE OFFER-IN-COMPROMISE

The above-mentioned parties have petitioned the Alcoholic Beverage and Cannabis 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 20th day of September 2023, 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 disposition 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 is cancelled. The Alcoholic Beverage and Cannabis Administration (ABCA) shall deliver copies of this Order to the Government and the Respondent.

District of Columbia
Alcoholic Beverage and Cannabis Board

eSigned via SeamlessDocs.com
Donovan Anderson
Key: ac432b095502810e427200001000018

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 2478c372920c6ac51103320224502

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 2b8d3f6ad7b145d7f9b750d7817d20a

Bobby Cato, Member

eSigned via SeamlessDocs.com
Jeni Hansen, Member
Key: 82720312500447491e56e2a41037

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward S. Grandis, Member
Key: 5027b6a7ff0045e0c14a10b52541ce5

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 and Cannabis Administration, 2000 14th Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section II 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 AND CANNABIS ADMINISTRATION
ALCOHOLIC BEVERAGE AND CANNABIS BOARD**



<p>IN THE MATTER OF:</p> <p>AQUA NYA, LLC, t/a AQUA RESTAURANT,</p> <p style="text-align:center">Respondent.</p>	<p>Case No. 23-251-00013 License No. 060477 Retailer Class CT</p>
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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 and Cannabis Board (Board), as authorized by 23 DCMR § 1611.5, for approval by the Board.

The Parties understand that if the Board approves the OIC, appeal and judicial review are waived under 23 DCMR § 1611.6, scheduled hearings will be vacated, and the case will conclude. Respondent will be obligated to abide by the fine, suspension, or other OIC term shown below. If the Board does not approve the OIC, the matter will be continued to the Show Cause Hearing set for October 25, 2023.

Respondent has been advised that there is no obligation to accept the 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: Allowed the establishment to be used for an unlawful purpose.

Statutory Authority: D.C. Code § 25-823(a)(2)

Outcome: \$1,000 payable within 30 days or its license shall be suspended indefinitely until this fine is paid.

Charge II: Failed to follow Board Order No. 2020-147 by not revising the Security Plan or using uniforms for your security personnel.

Statutory Authority: D.C. Code § 25-823(a)(6)

Fine: \$1,000 payable within 30 days or its license shall be suspended indefinitely until this fine is paid.

As these violations are Respondent's first primary tier violations, a subsequent primary tier violation within two years would be considered Respondent's second primary tier violation.

Dated: September 19, 2023.

Respectfully submitted,

BRIAN L. SCHWALB
Attorney General for the District of Columbia

STEPHANIE E. LITOS
Deputy Attorney General
Civil Litigation Division

/s/ Kimberly M. Johnson
KIMBERLY M. JOHNSON [435613]
Chief, Civil Enforcement Section

/s/ Charles J. Coughlin
CHARLES J. COUGHLIN [1016993]
Assistant Chief, Civil Enforcement Section

/s/ Anthony Celo

ANTHONY CELO [90000653]
Assistant Attorney General
Civil Enforcement Section
Civil Litigation Division
400 Sixth Street, N.W., Suite 10100
Washington, D.C. 20001
(202) 735-7559
(202) 741-8938 (fax)
Anthony.Celo@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.


John Kim, Managing Member, Respondent

09/19/2023

DATE

CERTIFICATE OF SERVICE

On September 19, 2023, the foregoing Offer in Compromise for Board Approval was served by email to:

John Kim, Managing Member
Aqua NYA, LLC t/a Aqua Restaurant
1818 New York Ave, NE
Washington, D.C. 20002
aquatables@gmail.com
Respondent

Emanuel N. Mpras, Esq.
7361 McWhorter Pl., Suite 311
Annandale, VA 22003
mpraslaw@hotmail.com
Counsel for Respondent

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

/s/ Anthony P. Celso
ANTHONY P. CELO
Assistant Attorney General