

**THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL 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 )  
Washington, D.C. 20002 )

Case No.: 18-251-00032  
License No.: ABRA-060477  
Order No.: 2018-507

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

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

Louise Phillips, Assistant Attorney General, on behalf of the  
District of Columbia

Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

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**ORDER APPROVING THE OFFER-IN-COMPROMISE**

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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 Aqua NYA, LLC, t/a Aqua Restaurant (Respondent), located at 1818 New York Avenue, NE, Washington, D.C. 20002.

The Alcoholic Beverage Regulation Administration (ABRA) served the Notice in Case No. 18-251-00032 on the Respondent on July 21, 2018. *ABRA Show Cause File No.*

18-251-00032. The Notice charges the Respondent with one (1) violation, 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. 18-251-00032, charged the Respondent with the following violation:

Charge I: [On Friday, January 3, 2018], [y]ou violated D.C. Official Code § 7-741.01, et seq., by permitting smoking inside the establishment, for which the Board may take the proposed action pursuant to D.C. Official Code § 25-823(a)(1), (2).

*ABRA Show Cause File No. 18-251-00032. Notice of Status Hearing and Show Cause Hearing, 2-3 (July 10, 2018).*

At the Show Cause Status Hearing held on September 12, 2018, the Respondent and the Government entered into an Offer-in-Compromise (OIC), which resolved the charge set forth above.

The terms of the OIC are as follows:

1. For Charge I – Warning for D.C. Official Code § 25-823(a)(1).

In addition to the Warning,

2. The Government will amend Charge I to delete the reference to § 25-823(a)(2).
3. The Respondent shall submit to the Board a revised Security Plan that reflects the current number and location of the establishment's cameras, within thirty (30) days from the date of this Order.
4. The Respondent shall submit a diagram to the Board showing security camera coverage of the establishment's blind spot where the assault occurred (location pictured in Exhibit No. 5), within seven (7) days from the date of this Order.

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

## ORDER

Accordingly, the Board having found the terms of the OIC to be fair, reasonable and adequate, does hereby, this 12th day of September, 2018, **APPROVE** the terms of the Offer in Compromise entered into by the Government and Aqua NYA, LLC, t/a Aqua Restaurant, located at premises 1818 New York Avenue, NE, Washington, D.C. 20002.

It is further **ORDERED** that the Respondent will operate in accordance with the terms of the OIC which are binding on the Respondent.


It is further **ORDERED** that the Respondent shall abide by all laws and regulations of the District of Columbia, shall operate its establishment in a safe and competent manner, and shall refrain from engaging in the type of activity that led to this disciplinary action.

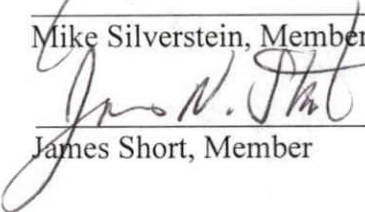
A copy of this Order shall be sent to the Respondent and to the Government.

District of Columbia  
Alcoholic Beverage Control Board

  
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Donovan Anderson, Chairperson

  
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Nick Alberti, Member

  
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Mike Silverstein, Member

  
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James Short, Member

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Donald Isaac, Sr., Member

  
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Bobby Cato, Member

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Rema Wahabzadah, 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 14<sup>th</sup> 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).