

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

In the Matter of:

Black Whiskey, LLC
t/a Black Whiskey

Holder of a
Retailer's Class CT License

at premises
1410 14th Street, NW
Washington, D.C. 20005

Case No.: 18-CMP-00199

License No.: ABRA-091434

Order No.: 2019-047

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

ALSO PRESENT: Black Whiskey, LLC, t/a Black Whiskey (Respondent)

Sidon Yohannes, Counsel, on behalf of the Respondent

Jessica Gunzel, 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 Black Whiskey, LLC, t/a Black Whiskey (Respondent) located at 1410 14th Street, NW, Washington, D.C. 20005.

The Alcoholic Beverage Regulation Administration (ABRA) served the Notice in Case Number 18-CMP-00199 on the Respondent on December 8, 2018. *ABRA Show Cause File No., 18-CMP-00199*. The Notice charges the Respondent with three (3) 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. 18-CMP-00199 charged the Respondent with the following violations:

Charge I: [On Sunday, August 19, 2018], you failed or refused to allow an ABRA investigator or a member of the Metropolitan Police Department to enter or inspect without delay the licensed premises or examine the books and records of the business, or otherwise interfered with an investigation, in violation of D.C. Official Code § 25-823(a)(5)...

Charge II: [On Sunday, August 19, 2018], you failed to comply with the terms of your license by operating outside the approved hours of sale, in violation of D.C. Official Code § 25-723(b)

Charge III: [On Sunday, August 19, 2018], you failed to follow your settlement agreement, in violation of D.C. Official Code § 25-823(a)(6)...

ABRA Show Cause File Nos. 18-251-00199, Notice of Status Hearing and Show Cause Hearing, 2-4 (December 4, 2018).

At the Show Cause Status Hearing held on January 30, 2019, 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 \$1,500 fine for the violation alleged in Charge I.
2. For Charge II – The Respondent shall pay a \$1,500 fine for the violation alleged in Charge II.
3. For Charge III – Dismissed.

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 30th day of January, 2019, 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 \$3,000 in Case No. 18-CMP-00199 payable on or before March 4, 2019. 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 and the OIC shall be sent to the Respondent and to the Government.

District of Columbia
Alcoholic Beverage Control Board


Donovan Anderson, Chairperson


Nick Alberti, Member


Mike Silverstein, Member


James Short, Member


Bobby Cato, Member

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 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).