

In the Matter of:)	
)	
)	
District of Columbia CVS Pharmacy, LLC)	Case No.: 20-CC-00071
t/a CVS Pharmacy #2104)	License No.: ABRA-083507
)	Order No.: 2021-712
Holder of a)	
Retailer's Class B License)	
)	
at premises)	
5013 Connecticut Avenue, NW)	
Washington, D.C. 20008)	
)	

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

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ORDER

Therefore, on this 3rd day of November 2021, 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. ABRA shall deliver copies of this Order to the Government and the Respondent.

District of Columbia
Alcoholic Beverage Control Board

eSigned via SeamllessDocs.com
Donovan Anderson
Key: 6c43c6b9d6e4180e4e700003d4dccc8

Donovan Anderson, Chairperson

eSigned via SeamllessDocs.com
James Short
Key: 547ec770505e6a081b3325d204bec

James Short, Member

eSigned via SeamllessDocs.com
Bobby Cato
Key: 259d0fca3f0d465d7f6b75bd7917d20d

Bobby Cato, Member

eSigned via SeamllessDocs.com
Rafi Aliya Crockett, Member
Key: b580e01845e18e4016155e5c12f81e0

Rafi Crockett, Member

eSigned via SeamllessDocs.com
Jeni Hansen, Member
Key: 82172631f0509447491b56f8c2a4f889

Jeni Hansen, Member

eSigned via SeamllessDocs.com
Edward Grandis, Member
Key: 5027bda789f0040ec14adb52541ee5

Edward S. Grandis, Member

Pursuant to D.C. Official Code § 25-433(d)(I), 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 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 REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**



IN THE MATTER OF:

HILLTOP HOSPITALITY, LLC t/a CVS
PHARMACY #2104

Respondent.

Case No. 20-CC-00071
License No. 83507
Retailer Class B

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 Control Board (Board), as authorized by 23 DCMR § 1611.5, for approval by the Board.

The Parties understand that if the Board approves the OIC, this case will conclude, the scheduled Show Cause Hearing will be vacated and under 23 DCMR § 1611.6, the OIC shall constitute a waiver of appeal and judicial review. Respondent will be obligated to abide by the terms of the OIC shown below. If the Board does not approve the OIC, the matter will be continued to the scheduled Show Cause Hearing, currently set for November 3, 2021.

The 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: Sale of alcoholic beverage to a person under 21 years of age.

Statutory Authority: D.C. Code § 25-781.

- (1) Fine: \$2,000 to be paid within 60 days or the license will be suspended until the fine is paid.
- (2) Suspension: The license will be suspended for five days; with all five days stayed for one year.
- (3) Other term: All employees who serve alcohol shall complete an alcohol awareness training within 90 days of the Board accepting the Offer in Compromise.

Charge II: Failure to Take Reasonable Steps Necessary to Ascertain Legal Drinking Age.

Statutory Authority: D.C. Code § 25-783.

- (1) Fine: N/A.
- (2) Suspension: N/A.
- (3) Other term: Dismissed.

Dated: November 2, 2021.

Respectfully submitted,

KARL A. RACINE
Attorney General for the District of Columbia

CHAD COPELAND
Deputy Attorney General
Civil Litigation Division

/s/ Kimberly M. Johnson
KIMBERLY M. JOHNSON [435163]
Chief, Civil Enforcement Section

/s/ James P. Jordan
JAMES P. JORDAN [1736688]
Assistant Attorney General
Suite 10100
400 Sixth Street, N.W.
Washington, D.C. 20001
(202) 805-7658
James.Jordan1@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.

/s/ Linda M. Cimbron

Respondent
Linda M. Cimbron
Assistant Secretary

11/2/21
DATE

CERTIFICATE OF SERVICE

I certify that on November 2, 2021, the foregoing Offer in Compromise for Board Approval

was served by electronic mail or by U.S. mail, first-class postage pre-paid, to:

Eufemia T. Bryden, Coordinator Corporate Services
CVSHealth
One CVS Drive,
Woonsocket, RI 02895
Respondent

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

/s/ James P. Jordan

James P. Jordan
Assistant Attorney General