

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

In the Matter of:

Cafe Ole, LLC
t/a Cafe Ole

Holder of a
Retailer's Class CR License

at premises
4000 Wisconsin Avenue, NW
Washington, D.C. 20016

Case No.: 17-AUD-00030
License No.: ABRA-025526
Order No.: 2018-042

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: Cafe Ole, LLC, t/a Cafe Ole, Respondent

Amy Schmidt, 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 Cafe Ole, LLC, t/a Cafe Ole (Respondent), located at 4000 Wisconsin Avenue, NW, Washington, D.C. 20016.

The Alcoholic Beverage Regulation Administration (ABRA) served the Notice in Case No. 17-AUD-00030 on the Respondent on November 9, 2017. *ABRA Show Cause*

File No. 17-AUD-00030. The Notice charges the Respondent with two (2) 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-AUD-00030, charged the Respondent with the following violations:

Charge I: [On April 12, 2017], [y]ou failed keep and maintain on the premises adequate books and records showing all sales, purchase invoices, and dispositions to establish the requisite gross annual food sales of at least \$2,000.00 per occupant for the 2013 calendar year, in violation of D.C. Official Code § 25-113(b)(3)(B)(i) and 23 DCMR § 1204.1...

Charge II: [On April 12, 2017], [y]ou failed keep and maintain on the premises for a period of three (3) years adequate books and records showing all sales, purchase invoices, and dispositions for the 2013 calendar year, in violation of D.C. Official Code § 25-113(j)(3)(A)...

ABRA Show Cause File No. 17-AUD-00030. Notice of Status Hearing and Show Cause Hearing, 2-4 (November 7, 2017).

At the Show Cause Hearing held on January 31, 2018, 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 – Dismissed.
2. For Charge II – Dismissed.

In addition,

3. The Respondent shall surrender its Retailer's Class CR License No. ABRA-025526 to ABRA for cancellation on February 1, 2018. If the Respondent does not surrender the license on February 1, 2018, the Board will proceed with a Show Cause Hearing in Case No. 17-AUD-00030.

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 31st day of January, 2018, **APPROVE** the terms of the Offer in Compromise entered into by the Government and Cafe Ole, LLC, t/a Cafe Ole, located at premises 4000 Wisconsin Avenue, NW, Washington, D.C.

It is further **ORDERED** that the Board will impose the conditions set forth above 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.

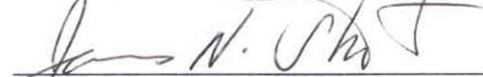
District of Columbia
Alcoholic Beverage Control Board

Donovan Anderson, Chairperson

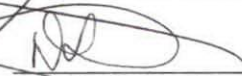


Nick Alberti, Member

Mike Silverstein, Member



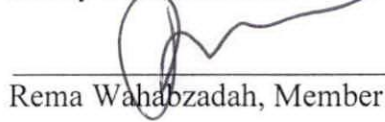
James Short, Member



Donald Isaac, Sr., 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).