

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

In the Matter of:)
)
DC Market, Inc.)
t/a DC Food Market)
)
Holder of a)
Retailer's Class B License)
)
at premises)
2200 16th Street, SE)
Washington, D.C. 20020)
_____)

Case No.: 19-CC-00036
License No.: ABRA-106962
Order No.: 2020-059

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member
Rafi Crockett, Member

ALSO PRESENT: DC Market, Inc., t/a DC Food Market, Respondent

Bernard Dietz, Counsel, on behalf of the Respondent

Jessica Krupke, 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 DC Market, Inc., t/a DC Food Market (Respondent), located at 2200 16th Street, SE, Washington, D.C. 20020.

The Alcoholic Beverage Regulation Administration (ABRA) served the Notice in Case No. 19-CC-00036 on the Respondent on October 25, 2019. *ABRA Show Cause File*

No. 19-CC-00036, Notice of Status and Show Cause Hearing (October 22, 2019). 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. 19-CC-00036, charged the Respondent with the following violations:

- Charge I: [On Saturday, March 2, 2019], [y]ou or another person at the licensed establishment, sold an alcoholic beverage to a person under 21 years of age, in violation of D.C. Official Code § 25-781(a)(1)...
- Charge II: [On Saturday, March 2, 2019], [y]ou failed to have the establishment's owner or ABC Board-approved manager present on the premises during the establishment's hour of sale, in violation of D.C. Official Code § 25-701(a-1)(1)...

ABRA Show Cause File No. 19-CC-00036, Notice of Status Hearing and Show Cause Hearing, 2-3 (October 22, 2019).

At the Show Cause Hearing held on January 29, 2020, 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 \$3,000 fine for the violation alleged in Charge I; shall have its license suspended for five (5) days; with all five (5) days stayed for one (1) year pending completion of alcohol awareness training for all employees who serve alcoholic beverages within ninety (90) days from the date of this Order; and
2. For Charge II – The Respondent shall pay a 2,000 fine for the violation alleged in Charge II.

The OIC has been reduced to writing and is formally approved through this Order.

ORDER

Therefore, the Board, on this 29th day of January, 2020, hereby **APPROVES** the OIC proffered by the Government and the Respondent and **ORDERS** DC Market, Inc., t/a DC Food Market, to comply with the terms of the OIC.

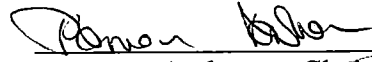
IT IS FURTHER ORDERED that the Respondent will:

- (1) Remit the total fine in the sum of \$5,000 payable on or before March 30, 2020; and
- (2) Incur a five (5) day suspension, with all five (5) days stayed for one (1) year pending completion of alcohol awareness training for all employees who serve alcoholic beverages within ninety (90) days from the date of this Order.

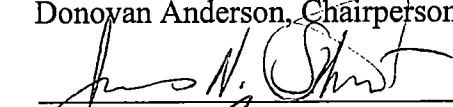
Failure to remit the amount in full within the time specified will result in the suspension of the license until the amount is paid.

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


District of Columbia
Alcoholic Beverage Control Board



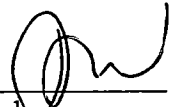
Donoyan Anderson, Chairperson



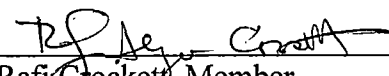
James Short, Member



Bobby Gato, Member



Rema Wahabzadah, Member



Rafi Crockett, 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).