

**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.: 22-CMP-00005
License No.: ABRA-106962
Order No.: 2022-116

BEFORE:

Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rafi Aliya Crockett, Member
Jeni Hansen, Member
Edward S. Grandis, Member

ALSO PRESENT:

DC Market, Inc., t/a DC Food Market, Respondent

Emanuel Mpras, Counsel, on behalf of the Respondent

Kevin R. Lutes, Assistant Attorney General
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER APPROVING THE OFFER-IN-COMPROMISE

The above mentioned parties have petitioned the Alcoholic Beverage Control Board (Board) to approve an offer-in-compromise (OIC) to settle one or more violations of Title 25 of the D.C. Official Code (Title 25) and Title 23 of the D.C. Municipal Regulations (Title 23) in accordance with D.C. Official Code § 2-509(a).

ORDER

Therefore, on this 23rd day of March 2022, 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 SeamlessDocs.com
Donovan Anderson
Key: a5432b0f8b45f5944b7305601A008

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: b47a03728959d7c18118324829548c

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 259d3fca0f6e146d74b75bd7917a20d

Bobby Cato, Member

eSigned via SeamlessDocs.com
Rafi Aliya Crockett, Member
Key: b50de61845e1f0e4016155e5c1281cc

Rafi Crockett, Member

eSigned via SeamlessDocs.com
Jeni Hansen, Member
Key: 83172931f5504474816c69c2a4185f

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward Grandis, Member
Key: 5027bda7ff963048ec14adeb52541ce5

Edward S. Grandis, 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 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**



<p>IN THE MATTER OF:</p> <p>DC Market, Inc. t/a DC Food Market,</p> <p style="text-align:center">Respondent.</p>	<p>Case No. 22-CMP-00005 License No. 106962 Retailer Class B</p>
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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, scheduled hearings will be vacated and this case will conclude, and appeal and judicial review are waived under 23 DCMR § 1611.6. Respondent will be obligated to abide by the fine, suspension or other OIC term shown below. If the Board does not approve the OIC, the matter will be continued to a Show Cause Hearing.

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: Extended hours of operation without approval.

Statutory Authority: D.C. Code § 25-762(b)(13).

Fine: \$2,000 payable within 120 days of the Board accepting the OIC, and if payment is not made within 120 days, the license will be suspended until payment is received.

Charge II: No Owner or ABC Manager present on premises during hours of sale, service, and consumption of alcohol.

Statutory Authority: 23 DCMR § 707.1

Fine: \$2,000 payable within 120 days of the Board accepting the OIC, and if payment is not made within 120 days, the license will be suspended until payment is received.

Charge III: Failed to follow the terms of the license by extending hours of operation.

Statutory Authority: D.C. Code § 25-823(a)(7)

Fine: Dismissed.

Dated: March 22, 2022.

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 [435613]
Chief, Civil Enforcement Section

/s/ Charles J. Coughlin
CHARLES J. COUGHLIN [1016993]
Assistant Chief, Civil Enforcement Section

/s/ Kevin R. Lutes
KEVIN R. LUTES [1779645]
Assistant Attorney General
Civil Enforcement Section
Civil Litigation Division
400 Sixth Street, N.W., Suite 10100
Washington, D.C. 20001
(202) 807-0380
Kevin.Lutes@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.

Ephreme Kassaye by Counsel
Ephreme Kassaye by Counsel (Mar 22, 2022 09:22 EDT)

Respondent

Mar 22, 2022

DATE

CERTIFICATE OF SERVICE

I certify that on March 22, 2022, the foregoing Offer in Compromise for Board Approval was served by electronic mail to:

Emanuel Mpras
Mpras Law Offices
7361 McWhorter Place, Suite 311
Annandale, VA 22003
mpraslaw@hotmail.com
Counsel for the Respondent

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

/s/ Kevin R. Lutes
Kevin R. Lutes
Assistant Attorney General






DC Food Market - OIC - Final

Final Audit Report

2022-03-22

Created:	2022-03-22
By:	Kevin Lutes (Kevin.Lutes@dc.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAazSroMY6Rkx9CZLHt8zXzmNj1FNuqBI7

"DC Food Market - OIC - Final" History

-  Document created by Kevin Lutes (Kevin.Lutes@dc.gov)
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-  Email viewed by Ephreme Kassaye by Counsel (mpraslaw@hotmail.com)
2022-03-22 - 1:19:56 PM GMT
-  Document e-signed by Ephreme Kassaye by Counsel (mpraslaw@hotmail.com)
Signature Date: 2022-03-22 - 1:22:29 PM GMT - Time Source: server
-  Agreement completed.
2022-03-22 - 1:22:29 PM GMT