

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

In the Matter of:

Desperados Pizza, LLC
t/a Desperados Pizza

Holder of a
Retailer's Class CT License

at premises
1342 U Street, NW
Washington, D.C. 20009

Case No.: 18-CC-00082
License No.: ABRA-084731
Order No.: 2020-056

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

ALSO PRESENT: Desperados Pizza, LLC, t/a Desperados Pizza, Respondent

Lindsay Marks, 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 Desperados Pizza, LLC, t/a Desperados Pizza (Respondent), located at 1342 U Street, NW, Washington, D.C. 20009.

The Alcoholic Beverage Regulation Administration (ABRA) served the Notice in Case No. 18-CC-00082 on the Respondent on November 14, 2019. *ABRA Show Cause File No. 18-CC-00082, Notice of Status and Show Cause Hearing (November 5, 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. 18-CC-00082, charged the Respondent with the following violations:

- Charge I: [On Thursday, July 19, 2018], [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...
- Charge II: [On Thursday, July 19, 2018], [y]ou or your agent or employee failed to take steps reasonably necessary to ascertain whether a person to whom you sold an alcoholic beverage was of the legal drinking age, in violation of D.C. Official Code § 25-783(b)...

ABRA Show Cause File No. 18-CC-00082, Notice of Status Hearing and Show Cause Hearing, 2 (November 5, 2019).

At the Show Cause Status 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 \$1,100 fine for the violation alleged in Charge II.

By agreeing to the terms of the OIC, the Respondent waives its right to a Show Cause Hearing and appeal. 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** Desperados Pizza, LLC, t/a Desperados Pizza, 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 \$4,100 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.

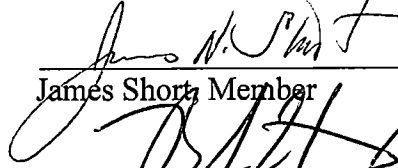
Failure to remit the amount in full within the time specified will result in the suspension of the license until the amount is paid.

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

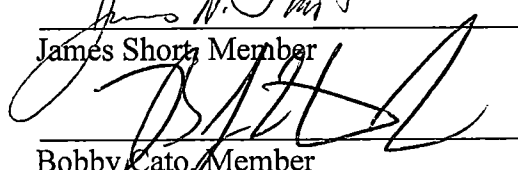
District of Columbia
Alcoholic Beverage Control Board



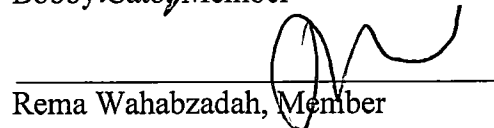
Donovan Anderson, Chairperson



James Short, Member



Bobby Cato, 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).