

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

In the Matter of:

Brilliant, LLC
t/a Flash

Holder of a
Retailer's Class Caterer License

at premises
645 Florida Avenue, NW
Washington, D.C. 20001

Case Nos.: 22-251-00002
22-CMP-00018
License No.: ABRA-105774
Order No.: 2022-663

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

ALSO PRESENT: Brilliant, LLC, t/a Flash, Respondent

Anthony P. Celso, 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 14th day of September 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 Board notes that a typo on the second page of the OIC refers to Case No. 22-251-0002, which is incorrect. The Board modifies page 2 of the OIC to replace the incorrect case number to now read “Case No. 22-CMP-00018” instead.
7. 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: a472c9c8d5d80e4c70600d8dce08

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
Bobby Cato
Key: 2166091a4f6d16d4765d79479d19d70d

Bobby Cato, Member

eSigned via SeamlessDocs.com
Rafi Aliya Crockett, Member
Key: b580a51845e179e401d156e5c1281c2

Rafi Crockett, Member

eSigned via SeamlessDocs.com
Jeni Hansen, Member
Key: 8217283c8c584474715589c2a41977

Jeni Hansen, Member

I dissent from the position taken by the majority of the Board.

eSigned via SeamlessDocs.com
James Short
Key: 5472e37292290c8d1a3529d2249ee

James Short, Member

eSigned via SeamlessDocs.com
Edward Grandis, Member
Key: 5027bda71f9d040ec145d9e52541ce5

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 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).

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**



IN THE MATTER OF: BRILLIANT, LLC, t/a FLASH, Respondent.	Case No.s 22-251-00002 22-CMP-00018 License No. 105774 Retailer Class Caterer
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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 § 1604.5, for approval by the Board.

The Parties understand that if the Board approves the OIC, this case will conclude. Respondent will be obligated to abide by the terms of the OIC shown below. If the Board does not approve the OIC, litigation of this Show Cause Hearing will continue.

Respondent has been advised that there is no obligation to accept an OIC. Respondent has been advised, through service of the Notice of Show Cause Hearing that at any Show Cause Hearing or other proceedings, 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.

Case # 22-251-00002:

Charge I: Operated beyond the scope of your caterer's license.

Statutory Authority: D.C. Code § 25-113(i)(1)(A).

(1) Fine: \$1,000 payable within 120 days or its license shall be suspended indefinitely until the fine is paid.

Charge II: Sold alcoholic beverages without serving sufficient food.

Statutory Authority: D.C. Code § 25-113(i)(2); 23 DCMR § 2000.1.

(2) Fine: \$1,000 payable within 120 days or its license shall be suspended indefinitely until the fine is paid.

Charge III: Received complaints from the public concerning disruptive activity.

Statutory Authority: 23 DCMR § 2009.1.

(3) Dismissed.

Charge IV: Operated without obtaining an updated certificate of occupancy.

Statutory Authority: D.C. Code § 25-333(a)(1).

(4) Warning.

Charge V: Operated in violation of multiple fire codes.

Statutory Authority: D.C. Code § 25-335(a)(1).

(5) Dismissed.

Case # 22-251-00002:

Charge I: Operated beyond the scope of your caterer's license.

Statutory Authority: D.C. Code § 25-113(i)(1)(A).

(6) Fine: \$1,000 payable within 120 days or its license shall be suspended indefinitely until the fine is paid.

Charge II: Sold alcoholic beverages without serving sufficient food.

Statutory Authority: D.C. Code § 25-113(i)(2); 23 DCMR § 2000.1.

(7) Fine: \$1,000 payable within 120 days or its license shall be suspended indefinitely until the fine is paid.

Charge III: Received complaints from the public concerning disruptive activity.

Statutory Authority: 23 DCMR § 2009.1.

(8) Dismissed.

Charge IV: Operated without obtaining an updated certificate of occupancy.

Statutory Authority: D.C. Code § 25-333(a)(1).

(9) Warning.

Dated: September 13, 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 [435163]
Chief, Civil Enforcement Section

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

/s/ Anthony P. Celo
ANTHONY P. CELO [D.C. Bar No. Pending]
Assistant Attorney General
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Civil Litigation Division
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(202) 741-8936 (fax)
Anthony.Celo@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 further litigation including the motion of reconsideration to which I would have a right under 23 DCMR § 1719.1. 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.

Afshin Mottaghi
/s/ Afshin Mottaghi (Sep 14, 2022 08:52 EDT)
Afshin Mottaghi, Managing Member,
Brilliant, LLC, Respondent

Sep 14, 2022
DATE

Andrew Kline
/s/ Andrew Kline (Sep 13, 2022 16:54 EDT)
Andrew Kline, Esq.
Attorney for Respondent, Brilliant, LLC

Sep 13, 2022
DATE

CERTIFICATE OF SERVICE

I certify that on September 13, 2022, the foregoing Offer in Compromise for Board

Approval was served by electronic mail to:

Afshin Mottaghi, Managing Member, Brilliant, LLC,
Respondent
afshin@flashdc.com

Andrew Kline, Esq.
Attorney for Respondent, Wabbit, LLC,
The Veritas Law Firm
1225 19th Street, NW, Suite 320,
Washington, DC 20036
akline@theveritaslawfirm.com

/s/ Anthony P. Celso

Anthony P. Celso
Assistant Attorney General