

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

**In the Matter of:**

Brilliant LLC, t/a Flash

*Advisory Opinion*

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Order No.: 2020-079

**BEFORE:**

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

**PARTIES:**

Anita Norman, Commissioner, Advisory Neighborhood  
Commission (ANC) 1B  
2000 14th Street, N.W., Suite 100B  
Washington, D.C. 20009

Brilliant LLC, t/a Flash<sup>1</sup>  
Holder of a Retailer's Class CT License  
ABRA License No. 090823  
645 Florida Avenue, N.W.  
Washington, D.C. 20001

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**ADVISORY OPINION ON SETTLEMENT AGREEMENTS ATTACHED TO  
ABRA LICENSE NO. 090823**

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On January 29, 2020, the Alcoholic Beverage Control Board received a request for an advisory opinion from Advisory Neighborhood Commissioner Anita Norman, the representative of Single Member District 1B01. *Letter from Anita Norman to the Alcoholic Beverage Control Board* ("Clarification on Two Settlement Agreements for Flash"). The letter asks for clarification as to whether two specific settlement agreements approved by the Board apply to Brilliant LLC, t/a Flash (Flash), holder of a Retailer's Class CT License, which has been designated ABRA-090823. *Id.* The letter further asks whether "the more restrictive one governs." *Id.*

In response to the question, the Board has reviewed the files of the Alcoholic Beverage Regulation Administration (ABRA). ABRA's records show that two

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<sup>1</sup> While an advisory opinion is not deemed binding or contested, the Board includes Flash as a party to the advisory in order to provide notice of this Order.


settlement agreements are attached to Flash's license. First, the settlement agreement found in *In re B-2, LLC, t/a It's Called INCEPTION*, Case No. 11-PRO-00068, Board Order No. 2012-161 (D.C.A.B.C.B. Sept. 12, 2012), is attached to Flash's license. Second, the settlement agreement found in *In re Brilliant, LLC, t/a Flash*, ABRA License No. 090823, Board Order No. 2016-485 (D.C.A.B.C.B. Aug. 10, 2016), is attached to Flash's license.

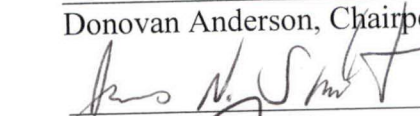
Upon the Board's review of the agreements, there is no language in the 2016 agreement superseding or otherwise voluntarily terminating the 2012 settlement agreement. Therefore, both agreements apply to Flash simultaneously. Furthermore, it is the long held position of the Board that generally ". . . when an establishment is governed by multiple settlement agreements with provisions that address the same topic, the strictest condition governs." *In re Naomi's Ladder, LLC, t/a Touche*, Case No. 15-PRO-00023, Board Order No. 2016-351, ¶ 33 (D.C.A.B.C.B. Jun. 1, 2016).

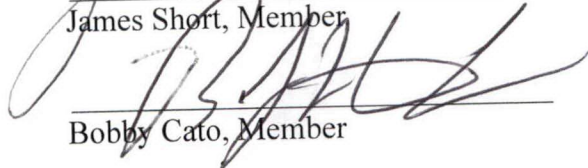
### **ORDER**

Accordingly, on this 5th of February 2020, the above represents the **ADVISORY OPINION** of the Board pursuant to 23 DCMR § 1902. ABRA shall provide a copy of this opinion to the requestor and the license holder indicated above.


District of Columbia  
Alcoholic Beverage Control Board

  
Donovan Anderson, Chairperson

  
James Short, Member

  
Bobby Cato, Member

Rema Wahabzadah, Member

  
Raffi Crockett, Member

Pursuant to 23 DCMR § 1902.6, if the requestor disagrees with the Board's advisory opinion in any respect, he or she may, within twenty (20) calendar days after issuance of the opinion file a petition with the Board in writing to reconsider its opinion, setting forth in detail the reasons and legal argument which support the requestor's points of disagreement, or may request the Board to issue a declaratory order, pursuant to § 1903. Advisory opinions of the Board may not form the basis of an appeal to any court in the District of Columbia.