

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

**In the Matter of:**

Foggy Bottom Grocery, LLC  
t/a FoBoGro

Holder a  
Retailer's Class B License

at premises  
2140 F Street, NW  
Washington, D.C. 20037

Case No.: 18-CC-00029  
License No.: ABRA-082431  
Order No.: 2018-587

**BEFORE:** Donovan Anderson, Chairperson  
Nick Alberti, Member  
Mike Silverstein, Member  
James Short, Member  
Donald Isaac, Sr., Member  
Bobby Cato, Member  
Rema Wahabzadah, Member

**ALSO PRESENT:** Foggy Bottom Grocery, LLC, t/a FoBoGro, Respondent  
  
Edward Grandis, Counsel, on behalf of the Respondent  
  
Christine Gephardt, Assistant Attorney General  
Office of the Attorney General for the District of Columbia  
  
Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

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**ORDER APPROVING THE OFFER-IN-COMPROMISE**

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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 Foggy Bottom Grocery, LLC, t/a FoBoGro (Respondent), located at 2140 F Street, NW, Washington, D.C. 20037.

The Alcoholic Beverage Regulation Administration (ABRA) served the Notice in Case No. 18-CC-00029 on the Respondent on September 18, 2018. *ABRA Show Cause File No. 18-CC-00029*. 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-00029, charged the Respondent with the following violations:

Charge I: [On Saturday, March 10, 2018], [y]ou sold alcoholic beverages to a person under 21 years of age, in violation of D.C. Official Code § 25-781(a)(1) . . .

Charge II: [On Saturday, March 10, 2018], you failed to display your ABC license in a conspicuous location within the licensed establishment, in violation of D.C. Official Code § 25-711(a) . . .

*ABRA Show Cause File No. 18-CC-00029*, Notice of Status Hearing and Show Cause Hearing, 2-3 (July 16, 2018).

At the Show Cause Status Hearing held on October 17, 2018, 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:

The terms of the OIC are as follows:

1. For Charge I – The Respondent shall pay a \$30,000 fine for the violation alleged in Charge I; the license shall remain in Safekeeping until the fine is paid; the license shall be suspended for thirty (30) days, with all thirty (30) days to be served; and all employees who serve alcoholic beverages shall complete alcohol awareness training.
2. For Charge II – Warning.

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**

Accordingly, the Board having found the terms of the OIC to be fair, reasonable and adequate, does hereby, this 17th day of October, 2018, **APPROVE** the terms of the Offer in Compromise entered into by the Government and Foggy Bottom Grocery, LLC, t/a FoBoGro, located at premises 2140 F Street, NW, Washington, D.C. 20037.

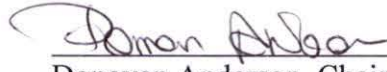
**IT IS FURTHER ORDERED** that the Respondent will:

- (1) Remit the fine in the sum of \$30,000 payable on or before November 19, 2018;
- (2) Incur a total of thirty (30) days suspension to be served from December 21, 2018 through January 20, 2019; and
- (3) All employees who serve alcoholic beverages shall complete alcohol awareness training.

Failure to remit the amount in full within the time specified will result in the suspension of the license until the amount is paid. Additionally, the license will remain in Safekeeping until the fine is paid.

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

District of Columbia  
Alcoholic Beverage Control Board

  
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Donovan Anderson, Chairperson


  
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Nick Alberti, Member

  
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Mike Silverstein, Member

  
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James Short, Member

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Donald Isaac, Sr., Member

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Bobby Cato, Member

  
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Rema Wahabzadah, 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 14<sup>th</sup> 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).