

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

In the Matter of:

Glen's Garden Market, LLC
t/a Glen's Garden Market

Holder of a
Retailer's Class B License

at premises
2001 S Street, NW
Washington, D.C. 20009

Case No.: 18-CC-00069
License No.: ABRA-090082
Order No.: 2018-602

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:

Glen's Garden Market, LLC, t/a Glen's Garden Market,
Respondent

Jessica Gunzel, 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 Glen's Garden Market, LLC, t/a Glen's Garden Market (Respondent), located at 2001 S Street, NW, Washington, D.C. 20009.

The Alcoholic Beverage Regulation Administration (ABRA) served the Notice in Case No. 18-CC-00069 on the Respondent on September 12, 2018. *ABRA Show Cause File No. 18-CC-00069, Notice of Status and Show Cause Hearing (September 11, 2018)*. The Notice charges the Respondent with two 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-00069, charged the Respondent with the following violations:

- Charge I: [On Tuesday, July 10, 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 Tuesday, July 10, 2018], [y]ou, your agent, or your employee failed to take steps reasonably necessary to ascertain whether the persons to whom you sold an alcoholic beverage was of legal drinking age, in violation of D.C. Official Code § 25-783(b)...

ABRA Show Cause File No. 18-CC-00069, Notice of Status Hearing and Show Cause Hearing, 2-3 (September 11, 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:

1. For Charge I – The Respondent shall pay a \$4,000 fine for the violation alleged in Charge I and shall have its license suspended for ten (10) days; with four (4) days served, and six (6) of those 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.
2. For Charge II – Dismissed.

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 17th day of October, 2018, hereby **APPROVES** the OIC proffered by the Government and the Respondent and **ORDERS** Glen's Garden Market, LLC, t/a Glen's Garden Market, to comply with the terms of the OIC.


IT IS FURTHER ORDERED that the Respondent will:

- (1) Remit the fine in the sum of \$4,000 payable on or before November 19, 2018;
and
- (2) Incur a total of ten (10) day suspension, with four (4) days served and six (6) 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. The four (4) day suspension will be served from December 26, 2018 through December 29, 2018.

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



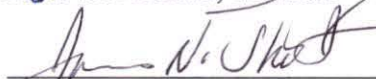
Donovan Anderson, Chairperson



Nick Alberti, Member



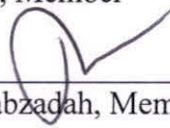
Mike Silverstein, Member



James Short, Member

Donald Isaac, Sr., Member

Bobby Cato, Member



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 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).