

**THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE AND CANNABIS BOARD**

In the Matter of:	)	
	)	
	)	
Half Smoke, LLC	)	
t/a Half Smoke	)	Case No.: 23-CMP-00009
	)	License No.: ABRA-100855
Holder of a	)	Order No.: 2023-436
Retailer’s Class CR License	)	
	)	
at premises	)	
651 Florida Avenue	)	
Washington, D.C. 20001	)	

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

**ALSO PRESENT:** Half Smoke, LLC, t/a Half Smoke, Respondent

Alycia Hogenmiller, Assistant Attorney General  
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel  
Alcoholic Beverage and Cannabis Administration

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

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The above-mentioned parties have petitioned the Alcoholic Beverage and Cannabis 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 16th day of August 2023, 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 parties agree that the attached OIC constitutes the entire agreement of the parties.

The Show Cause Hearing in this matter is cancelled. The Alcoholic Beverage and Cannabis Administration (ABCA) shall deliver copies of this Order to the Government and the Respondent.

District of Columbia  
Alcoholic Beverage and Cannabis Board

eSigned via SeamlessDocs.com  
*Donovan Anderson*  
Key: ac43cb89b9ed5f09e4b730093d1dccc8

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Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com  
*James Short*  
Key: 547ac373820dea6ac8d1b3325d2948ec

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James Short, Member

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Bobby Cato, Member

eSigned via SeamlessDocs.com  
*Jeni Hansen, Member*  
Key: 82172931c5509447491b56f9c2a41880

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Jeni Hansen, Member

eSigned via SeamlessDocs.com  
*Edward Grandis, Member*  
Key: 5027bda7f9f0040ec14adeb52541ce5

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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 and Cannabis Administration, 2000 14<sup>th</sup> Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section II 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 AND CANNABIS ADMINISTRATION  
ALCOHOLIC BEVERAGE AND CANNABIS BOARD**



<b>IN THE MATTER OF:</b>  <b>HALF SMOKE, LLC</b> <b>t/a Half Smoke</b>  <b>Respondent.</b>	<b>Case No. 23-CMP-00009</b> <b>License No. 100855</b> <b>Retailer Class CR</b>
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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 and Cannabis Board (the Board), as authorized by 23 DCMR § 1604.5, for approval by the Board.

The Parties understand that if the Board approves the OIC, appeal and judicial review are waived under 23 DCMR § 1611.6, scheduled hearings will be vacated, and the case will conclude. Respondent will be obligated to abide by the fine, suspension, or other OIC term shown below. If the Board does not approve the OIC, the matter will be continued to the scheduled Show Cause Hearing on a date to be determined.

Respondent has been advised that there is no obligation to accept an OIC. Respondent has been advised, through service of the Notice of Status Hearing and Show Cause Hearing, that at a Show Cause Hearing, Respondent may be represented by legal counsel, have subpoenas issued to require 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:

Charge: Increased interior occupancy without approval—Primary tier violation.

Statutory Authority: D.C. Code § 25–726(b)(1)

Fine: \$1,000.00 payable within 30 days, or the license shall be suspended indefinitely until the fine is paid.

Dated: August 15, 2023

Respectfully submitted,

BRIAN L. SCHWALB  
Attorney General for the District of Columbia

STEPHANIE E. LITOS  
Deputy Attorney General  
Civil Litigation Division

/s/ Kimberly M. Johnson by cjc  
KIMBERLY M. JOHNSON [435163]  
Chief, Civil Enforcement Section

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

/s/ Alycia K. Hogenmiller  
ALYCIA K. HOGENMILLER [90004316]  
Assistant Attorney General  
Civil Enforcement Section  
Civil Litigation Division  
400 Sixth Street, N.W., Suite 10100  
Washington, D.C. 20001  
(202) 256-9692  
Alycia.Hogenmiller@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 a hearing to which I would have a right under D.C. Code § 25–826. 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.

Andre McCain  
Andre McCain (Aug 16, 2023 10:27 EDT)  
Respondent  
Andre McCain  
651 Florida Ave., N.W.  
Washington, D.C. 20001  
andre.mccain@halfsmokerestaurant.com

\_\_\_\_\_  
DATE

**CERTIFICATE OF SERVICE**

On August 15, 2023, I served the foregoing by email to:

Andre McCain  
651 Florida Ave., N.W.  
Washington, D.C. 20001  
andre.mccain@halfsmokerrestaurant.com

Martha Jenkins  
General Counsel, ABCA  
2000 14th Street, N.W.  
Suite 400 South  
Washington, D.C. 20009  
Martha.Jenkins@dc.gov

/s/ Alycia K. Hogenmiller  
ALYCIA K. HOGENMILLER  
Assistant Attorney General







# 2023\_08\_15\_Half Smoke (23-CMP-9) OIC\_final for signature

Final Audit Report

2023-08-16

Created:	2023-08-15
By:	Alycia Hogenmiller (Alycia.Hogenmiller@dc.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAA_bQzhxQkpyXrWw5szRSdzyAkorOqqq0A

## "2023\_08\_15\_Half Smoke (23-CMP-9) OIC\_final for signature" History

-  Document created by Alycia Hogenmiller (Alycia.Hogenmiller@dc.gov)  
2023-08-15 - 8:03:42 PM GMT
-  Document emailed to andre.mccain@halfsmokerrestaurant.com for signature  
2023-08-15 - 8:05:17 PM GMT
-  Email viewed by andre.mccain@halfsmokerrestaurant.com  
2023-08-16 - 2:27:06 PM GMT
-  Signer andre.mccain@halfsmokerrestaurant.com entered name at signing as Andre McCain  
2023-08-16 - 2:27:24 PM GMT
-  Document e-signed by Andre McCain (andre.mccain@halfsmokerrestaurant.com)  
Signature Date: 2023-08-16 - 2:27:26 PM GMT - Time Source: server
-  Agreement completed.  
2023-08-16 - 2:27:26 PM GMT