

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

In the Matter of:

Half Smoke, LLC

t/a Half Smoke

Holder of a

Retailer's Class CR License

at premises

651 Florida Avenue, NW

Washington, D.C. 20001

Case No.: 22-CMP-00033

License No.: ABRA-100855

Order No.: 2022-645

BEFORE:

Donovan Anderson, Chairperson

James Short, Member

Bobby Cato, Member

Rafi Aliya Crockett, Member

Jeni Hansen, Member

Edward S. Grandis, Member

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

Collin C. Cenci, 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 31st day of August 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 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: a67025d3-9c3f-40e4-b73990d14c08ff

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 34fa3738205a5a-c9f1b33208204ee

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 255d3feadfb8146d74675bd7917d2d0

Bobby Cato, Member

eSigned via SeamlessDocs.com
Rafi Aliya Crockett, Member
Key: b505e91645e1f0e401e155e5c1281c2

Rafi Crockett, Member

eSigned via SeamlessDocs.com
Jeni Hansen, Member
Key: 82172831f050c47491b344b3c344188f

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward S. Grandis, Member
Key: 5027bda7f09f0040ec14adeb32d41ce5

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 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 REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**



IN THE MATTER OF:

HALF SMOKE, LLC,
t/a HALF SMOKE,

Respondent.

Case No.: 22–CMP–00033
License No. 100855
Retailer Class CR

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 § 1611.5, for approval by the Board.

The parties understand that if the Board approves the OIC, the scheduled hearing will be vacated, the case will conclude, and appeal and judicial review are waived under 23 DCMR § 1611.6. Respondent will be obligated to abide by the OIC terms shown below. If the Board does not approve the OIC, the matter will proceed to a show cause hearing on September 14, 2022.

Respondent has been advised that there is no obligation to accept the 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 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.

Charge I: Failed to Follow Settlement Agreement.

Statutory Authority: D.C. Code § 25–823(a)(6).

Warning: The Board resolves this charge with a warning.

Charge II: Failed to Keep Property Free of Litter.

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

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

Dated: August 30, 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 [435613]
Chief, Civil Enforcement Section


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

/s/ Collin C. Cenci
COLLIN C. CENCI [1673064]
Assistant Attorney General
Civil Litigation Division
Civil Enforcement Section
400 Sixth Street, N.W., Suite 10100
Washington, D.C. 20001
(202) 705–1894
collin.cenci@dc.gov

ATTORNEYS FOR THE DISTRICT OF COLUMBIA

CONSENT OF RESPONDENT

By consenting to 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.



Respondent
Andre McCain, LLC Member
Half Smoke, LLC t/a Half Smoke
651 Florida Avenue, N.W.
Washington, D.C. 20001
andre.mccain@halfsmokerestaurant.com

8/29/22
DATE

CERTIFICATE OF SERVICE

On August 30, 2022, the foregoing was served by email to:

Andre McCain, LLC Member
Half Smoke, LLC t/a Half Smoke
651 Florida Avenue, N.W.
Washington, D.C. 20001
andre.mccain@halfsmokerestaurant.com

Respondent

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

/s/ Collin C. Cenci
Collin C. Cenci
Assistant Attorney General