

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

In the Matter of:

1336 U Street, LLC
t/a Hawthorne

Holder of a
Retailer's Class CT License

at premises
1336 U Street, NW
Washington, D.C. 20009

Case Nos.: 19-CMP-00218
19-CMP-00223
20-CMP-00041
License No.: ABRA-099603
Order No.: 2021-181

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member
Rafi Aliya Crockett, Member
Jeni Hansen, Member
Edward S. Grandis, Member

ALSO PRESENT: 1336 U Street, LLC, t/a Hawthorne, Respondent

Stephen A. Ortiz, Assistant Attorney General
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER APPROVING 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 7th day of April 2021, 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: a:42566189-32604-8f720921d1c38

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 5476a372f020c6fca8b1b032d62248ec

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 256d3fca7fba146d774b75ba7917d20d

Bobby Cato, Member

Rema Wahabzadah, Member

eSigned via SeamlessDocs.com
Rafi Aliya Crockett, Member
Key: b560a91845e1f0e4016155e5c12f81cc

Rafi Crockett, Member

eSigned via SeamlessDocs.com
Jeni Hansen, Member
Key: 8217201f0500447401e50f0c24418f0

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward Grandis, Member
Key: 5027bda7f0f0040ec14ada852541ce5

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: 1336 U STREET, LLC t/a HAWTHORNE, Respondent.	Case Nos. 19-CMP-00218, 19-CMP-00223, 20-CMP-00041, License No. 099603 Retailer Class CT
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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 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, these cases will conclude, the scheduled Show Cause Hearings will be vacated and under 23 DCMR § 1611.6, the OIC shall constitute a waiver of appeal and judicial review. Respondent will be obligated to abide by the terms of the OIC shown below. If the Board does not approve the OIC, the matter will be continued to the scheduled Show Cause Hearings, currently set for April 7, 2021, in case no. 19-CMP-00218, April 21, 2021, in case no. 19-CMP-00223, and April 21, 2021, in case no. 20-CMP-00041.

The respondent has been advised that there is no obligation to accept the OIC. Respondent has been advised, through service of the Notices of Status Hearing and Show Cause Hearing that at a Show Cause Hearings, 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.

Case No. 19-CMP-00218

Charge I: Increased Interior Occupancy.

Statutory Authority: D.C. Code § 25-823(a)(7).

- (1) Fine: N/A.
- (2) Suspension: N/A.
- (3) Other term: Warning.

Case No.19-CMP-00223

Charge I: Increased Summer Garden Occupancy.

Statutory Authority: D.C. Code § 25-762(b)(2).

- (1) Fine: \$2,000 to be paid within 120 days or its license will be suspended until the fine is paid.
- (2) Suspension: N/A.
- (3) Other term: N/A.

Case No. 20-CMP-00041

Charge I: Increase Summer Garden Occupancy.

Statutory Authority: D.C. Code § 25-762(b)(2).

- (1) Fine: \$2,000 to be paid within 120 days or the license will be suspended until the fine is paid.
- (2) Suspension: N/A.
- (3) Other term: N/A.

Dated: April 2, 2021.

Respectfully submitted,

KARL A. RACINE
Attorney General for the District of Columbia

FERNANDO AMARILLAS
Acting Deputy Attorney General
Public Interest Division

/s/ Fernando Rivero
FERNANDO RIVERO [478765]
Assistant Chief, Civil Enforcement Section

/s/ Stephen A. Ortiz
STEPHEN A. ORTIZ [1721407]
Assistant Attorney General
Suite 10100
400 Sixth Street, N.W.
Washington, D.C. 20001
(202) 442-9867
(202) 741-0574 (fax)
Stephen.Ortiz@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.

/s/ Francis Brogan
Respondent
Francis Brogan

April 2, 2021
DATE

CERTIFICATE OF SERVICE

I certify that on April 2, 2021, the foregoing Offer in Compromise for Board Approval was served by electronic mail or by U.S. mail, first class postage pre-paid, to:

Francis Brogan, Managing Member
1336 U Street, LLC
t/a Hawthorne
1336 U Street, N.W.
Washington, D.C. 20009
Fritz@missiongroupdc.com
Respondent

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

/s/ Stephen A. Ortiz
Stephen A. Ortiz
Assistant Attorney General