

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

**In the Matter of:**

Miku, LLC  
t/a J & D Market

Holder of a  
Retailer's Class B License

at premises  
2201 Minnesota Avenue, SE  
Washington, D.C. 20020

Case No.: 21-CC-00019  
License No.: ABRA-103723  
Order No.: 2021-521

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

**ALSO PRESENT:** Miku, LLC, t/a J & D Market, Respondent

Janika Jordan, 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 OFFER IN COMPROMISE**

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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 29th day of September 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 ScanSignDocs.com  
*Donovan Anderson*  
Key: ac418c01804286440700001140008

Donovan Anderson, Chairperson

eSigned via ScanSignDocs.com  
*James Short*  
Key: 3476c370220c6c691b332602046e1

James Short, Member

eSigned via ScanSignDocs.com  
*Bobby Cato*  
Key: 25803fca21be14647740705049170203

Bobby Cato, Member

eSigned via ScanSignDocs.com  
*Rafi Aliya Crockett, Member*  
Key: 3563c31184fca18c401d13506c12081e

Rafi Crockett, Member

eSigned via ScanSignDocs.com  
*Jeni Hansen, Member*  
Key: 0217209121009447401b0508c2341606

Jeni Hansen, Member

eSigned via ScanSignDocs.com  
*Edward Grandis, Member*  
Key: 5027bda70900406c14eddb52541ce5

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 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 REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD**



IN THE MATTER OF:  MIKU, LLC, t/a J & D MARKET,  Respondent.	Case No. 21-CC-00019 License No. 103723 Retailer Class 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 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, scheduled hearings will be vacated and this case will conclude, and appeal and judicial review are waived under 23 DCMR § 1611.6. 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 a Show Cause Hearing.

The 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: Sold an alcoholic beverage to a person under 21 years of age.

Statutory Authority: D.C. Code § 25-781, D.C. Code § 25-823(a)(1).

- (1) Fine: \$3,000 payable within 60 days of the Board accepting the OIC, and if payment is not made within 60 days, the license will be suspended until payment is received.
- (2) Suspension: The license shall be suspended for ten days, with four days to be served on November 2, 3, 4, and 5, and six days stayed for one year; and
- (3) Other term: Completion of alcohol awareness training for all employees who serve alcoholic beverages within three months from the date of the Board order approving the OIC.

Charge II: Failed to take reasonable steps to ascertain legal drinking age.

Statutory Authority: D.C. Code § 25-783

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

Dated: September 24, 2021.

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/ Janika Jordan  
JANIKA JORDAN\*  
Assistant Attorney General  
400 Sixth Street, N.W., Suite 10100  
Washington, D.C. 20001  
(202) 631-9418  
Janika.Jordan@dc.gov

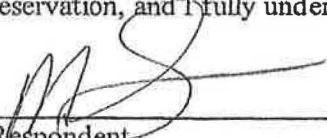
ATTORNEYS FOR THE DISTRICT OF COLUMBIA

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\*Admitted to practice only in Oregon. Practicing in the District of Columbia under the direct supervision of Kimberly M. Johnson, a member of the D.C. Bar under D.C. Court of Appeals Rule 49 (c)(4).

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.

  
Respondent

09-27-21  
DATE

**CERTIFICATE OF SERVICE**

I certify that on September 24, 2021, the foregoing Offer in Compromise for Board

Approval was served by electronic mail to:

Bernard Dietz  
dietzlaw@aol.com  
*Counsel for the Respondent*

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

*/s/ Janika Jordan*  
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Janika Jordan  
Assistant Attorney General