

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

In the Matter of:

Kiss, LLC
t/a Kiss Tavern

Holder a
Retailer's Class CT License

at premises
637 T Street, NW
Washington, D.C. 20001

Case Nos.: 18-CMP-00119
18-CMP-00092
18-251-00114
License No.: ABRA-104710
Order No.: 2018-717

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member

PARTIES: Kiss, LLC, t/a Kiss Tavern, Respondent

Sidon Yohannes, Counsel, on behalf of the Respondent

Louise Phillips and Rebecca Barnes, Assistants Attorney General
Office of the Attorney General for the District of Columbia

**ORDER GRANTING CONTINUANCE OF THE SHOW CAUSE HEARING AND
SETTING THE MATTERS FOR HEARING**

This matter comes before the Alcoholic Beverage Control Board after multiple requests from the Respondent to continue Case Nos. 18-CMP-00119, 18-CMP-00092, and 18-251-00114.

By way of background, Case No. 18-CMP-00119 was generated from an incident that occurred on April 15, 2018. This matter was originally scheduled for a Status Hearing on September 26, 2018 and a Show Cause Hearing October 17, 2018. The Respondent and his counsel at the time, appeared at the Status Hearing on September 26, 2018, where the Board announced the Show Cause Hearing date of October 17, 2018. On October 12, 2018, the Respondent filed a motion requesting a continuance of the Show

Cause Hearing, which was granted by the Board and set for December 12, 2018. The Show Cause hearing was subsequently continued to January 30, 2019.

Case No.18-CMP-00092 was generated from an incident that occurred on March 31, 2018. On August 9, 2018, the Board scheduled a Status Hearing for September 26, 2018, and a Show Cause Hearing for October 31, 2018. The Board held a Status Hearing on September 26, 2018, where the Respondent and his counsel at the time appeared. Again, the Respondent requested a continuance of the Show Cause hearing and on October 31, 2018, the Board continued this matter to December 12, 2018.

Case No. 18-251-00114 was generated from an incident that occurred on March 24, 2018. On August 19, 2018, the Board scheduled this matter for a Status Hearing on October 31, 2018 and a Show Cause Hearing for December 5, 2018. The Board held the Status Hearing on October 31, 2018 and the Respondent failed to appear.

On November 21, 2018, Respondent's counsel withdrew her representation, and on November 30, 2018, Respondent's current counsel entered her appearance for Case Nos. 18-CMP-00092 and 18-CMP-00119. No appearance was formally entered for Case No. 18-251-00114. Additionally, on November 30, 2018, Respondent's counsel requested a continuance of Case No. 18-CMP-00092 and specified January 30, 2019, to coincide with the hearing set for Case No. 18-CMP-00119. Respondent's counsel then discovered the third case, Case No. 18-251-00114, set for hearing today, and requested that it also be continued.

The Board is troubled by the Respondent's continued delays, failure to comply with the regulations regarding continuances, and his efforts to frustrate the reasonable and steady pace of the Board's workload. These three cases are over nine months old and because the Board is scheduled to meet only twice more before the end of the calendar year, it must look to January 2019 for rescheduling. The Board very reluctantly will grant the Respondent's request to continue these hearings, but the Board advises the parties that no further continuances will be granted.

ORDER

Now on this 5th day of December, 2018, the Board **GRANTS** the Respondent's request for a continuance for these three Show Cause Hearings. The new hearing dates and times are:

1. Case #18-251-00114 – Show Cause Hearing on January 9, 2019 at 1:30 pm.
2. Case #18-CMP-00092 – Show Cause Hearing on January 16, 2019 at 1:30 pm.
3. Case #18-CMP-00119 – Show Cause Hearing on January 30, 2019 at 4:30 pm.

Copies of this Order shall be sent to the Respondent and the Government.

District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson

Nick Alberti, Member



Mike Silverstein, Member



James Short, 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).