

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

**In the Matter of:**

Kiss, LLC  
t/a Kiss Tavern  
  
Holder of a  
Retailer's Class CR License  
  
2003 18th Street, N.W.  
Washington, D.C. 20009

Case Nos.: 18-CMP-00092  
18-CMP-000119  
License No.: 104710  
Order No: 2019-128

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

**ALSO PRESENT:** Kiss, LLC, t/a Kiss Tavern, Respondent

Sidon Yohannes, Esq., Counsel, on behalf of the Respondent

Rebecca Barnes, 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 CLARIFYING BOARD ORDER NO. 2019-089**

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The above mentioned parties appeared before the Alcoholic Beverage Control Board on January 16, 2019. At the hearing, the parties proposed an offer-in-compromise to resolve Case Numbers 18-CMP-00092 and 18-CMP-000119, which was accepted by the Board. *In re Kiss LLC, t/a Kiss Tavern*, Case Nos. 18-CMP-00092, 18-CMP-000119, Board Order No. 2019-037, 1 (D.C.A.B.C.B. Jan. 16, 2019). Subsequently, the Respondent filed a motion for reconsideration requesting the Board revise term 3 of the offer-in-compromise, Order, which was denied by the Board in Board Order No. 2019-089.

Term 3 states,

Nothing in the OIC shall prevent the license holder from petitioning the Board to remove any conditions on its license or filing for a substantial change. All complete and properly filed requests to amend its license shall be addressed without unnecessary delay.

*In re Kiss, LLC, t/a Kiss Tavern*, Case Nos. 18-CMP-00092, 18-CMP-000119, Board Order No. 2019-089, 2 (D.C.A.B.C.B. Jan. 16, 2019). The Board adds additional language *sua sponte* to clarify the Respondent's hearing rights on a future application.<sup>1</sup>

## ORDER

Therefore, on this 13th day of March 2019, the Board **AMENDS** term 3 to read as follows:

Nothing in the OIC shall prevent the license holder from petitioning the Board to remove any conditions on its license or filing for a substantial change. All complete and properly filed requests to amend its license shall be addressed without unnecessary delay.  
*Furthermore, if completed and properly filed, the Respondent shall have the right to a timely hearing in accordance with Title 25 of the D.C. Official Code.*

All other prior Orders related to this matter shall remain in full force and effect. The ABRA shall deliver copies of this Order to the Government and the Respondent.

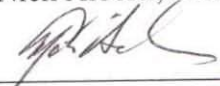
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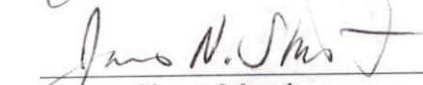
<sup>1</sup> To date, ABRA's records show that no substantial change application to remove the conditions imposed on the license has been filed. The Board notes that nothing prevents the Respondent from filing a substantial change application and post-trial motions simultaneously. As a result, while the agency is ready, willing, and able to process the Respondent's application, it appears that all delays associated with changing the Respondent's license remain solely the fault of the Respondent.

District of Columbia  
Alcoholic Beverage Control Board

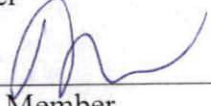
  
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Donovan Anderson, Chairperson

  
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Nick Alberti, Member

  
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Mike Silverstein, Member

  
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James Short, Member

  
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Bobby Cato, Member

  
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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, Reeves Center, 2000 14th Street, NW, 400S, Washington, D.C. 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 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).