

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

In the Matter of:)	
)	
Kiss, LLC)	Case No.: 17-CMP-00683
t/a Kiss Tavern)	License No.: 104710
)	Order No.: 2018-148
Holder of a)	
Retailer's Class CT License)	
)	
at premises)	
637 T Street, N.W.)	
Washington, D.C. 20001)	

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member
Donald Isaac, Sr., Member
Bobby Cato, Member

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

E. Louise Phillips, Assistant Attorney General
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER REOPENING RECORD

The Alcoholic Beverage Control Board *sua sponte* reopens the record for the limited purpose of obtaining clarification and confirmation from the Government as to the nature of the charge in this matter. Specifically, in Case No. 17-CMP-00683, Kiss, LLC, t/a Kiss Tavern, (hereinafter "Respondent" or "Kiss Tavern") was charged with violating its settlement agreement and a Board Order requiring the use of a detail provided by the Metropolitan Police Department Reimbursable Detail Program.

The question before the Board is (1) whether the charge filed by the Government is limited solely to October 14, 2017, or (2) whether the charge is intended to encompass any

violations of the settlement agreement and Board Order that occurred between June 12, 2017, and October 14, 2017.

The Board requests that the Government clarify whether the Charge in this case only applies to the events of October 14, 2017, or encompasses the period between June 12, 2017, and October 14, 2017. Furthermore, if the Government intends that the Charge apply to the entire period of June 12, 2017, to October 14, 2017, the Board requests that the Government brief the Board on whether the Respondent has received adequate notice as a matter of due process and the District of Columbia Administrative Procedure Act, and that such a consideration by the Board would not prejudice the Respondent.¹

The Board will also accept the Government's submission within 15 days of service of this order. The Respondent may file a response to the Government's submission within seven days in accordance with 23 DCMR § 1716.2.

ORDER


Therefore, the Board, on this 4th day of April 2018, hereby **REOPENS** the record according to the terms expressed above. The ABRA shall deliver copies of this Order to the Government and the Respondent.

¹ "In any contested case, all parties thereto shall be given *reasonable notice* of the afforded hearing by the Mayor or the agency, as the case may be. The notice shall state the time, place, *and issues involved*, but if, by reason of the nature of the proceeding, the Mayor or the agency determines that the issues cannot be fully stated in advance of the hearing, or if subsequent amendment of the issues is necessary, they shall be *fully stated* as soon as practicable, and opportunity shall be afforded all parties to present evidence and argument with respect thereto. D.C. Code § 2-509(a) (emphasis added).

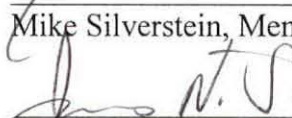
District of Columbia
Alcoholic Beverage Control Board


Donovan Anderson, Chairperson

Nick Alberti, Member

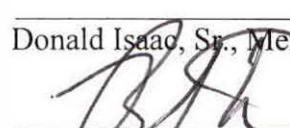


Mike Silverstein, Member



James Short, Member

Donald Isaac, Sr., 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, 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).