

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

In the Matter of:	)	
3566 14th Street, LLC	)	Case No.: 18-AUD-00027
t/a La Dulce Noche	)	License No.: ABRA-92426
Holder of a	)	Order No.: 2018-735
Retailer's Class CR License	)	
at premises	)	
3566 14th Street, N.W.	)	
Washington, D.C. 20010	)	
	)	

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

**ALSO PRESENT:** 3566 14th Street, LLC, t/a La Dulce Noche, Respondent  
  
Amy Schmidt, 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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**FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND ORDER**

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**INTRODUCTION**

The Alcoholic Beverage Control Board (Board) finds that 3566 14th Street, LLC, t/a La Dulce Noche, (hereinafter "Respondent" or "La Dulce Noche") failed to meet its gross annual food sale requirement in violation of D.C. Official Code § 25-113(b)(3), which is a condition of its Retailer's Class CR (Restaurant) License. The Respondent shall pay a fine of \$4,000. The Board further suggests that the Respondent consider voluntarily applying to convert his license into a tavern license if he believes he cannot comply with the minimum food sales requirement attached to his current restaurant license.

### ***Procedural Background***

This case arises from the Notice of Status Hearing and Show Cause Hearing (Notice), which the Board executed on June 26, 2018. *ABRA Show Cause File No. 18-AUD-00027*, Notice of Status Hearing and Show Cause Hearing, 2 (Jun. 26, 2018). The Alcoholic Beverage Regulation Administration (ABRA) served the Notice on the Respondent, located at premises 3566 14th Street, N.W., Washington, D.C., on June 29, 2018. *ABRA Show Cause File No. 18-AUD-00027*, Service Form. The Notice charges the Respondent with one violation, which if proven true, would justify the imposition of a fine, as well as the suspension or revocation of the Respondent's license.

Specifically, the Notice charges the Respondent with the following violation:

**Charge I:** [On March 19, 2018,] [y]ou failed [to] meet the gross annual food sales requirement for [your license] in violation of D.C. Official Code § 25-113(b)(3) . . . .

*Notice of Status Hearing and Show Cause Hearing, 2.*

Both the Government and Respondent appeared at the Show Cause Status Hearing on August 8, 2018. After a number of continuances, the parties proceeded to a Show Cause Hearing and argued their respective cases on October 24, 2018. At the hearing, the owner, Jose Solloso stipulated to the facts contained in Charge I and pled "guilty with explanation. *Transcript (Tr.)*, October 24, 2018 at 3-5, 12. During the hearing, Mr. Solloso explained to the Board that he was having trouble complying with the food sales requirement attached to his license. *Id.* at 8.

The present violation constitutes a third level primary tier offense in light of the Respondent's violation history. The Board agrees with the penalty recommendation provided during the hearing.

### **ORDER**

Therefore, the Board, on this 12th day of December 2018, finds 3566 14th Street, LLC, t/a La Dulce Noche, guilty of violating § 25-113(b)(3). The Board imposes the following penalty on La Dulce Noche:

(1) For the violation described in Charge I, La Dulce Noche shall pay a fine of \$4,000.

The Board **ADVISES** the Respondent that he may want to consider converting his restaurant license into a tavern license if he believes that he cannot comply with the minimum food sales requirement mandated by a restaurant license.

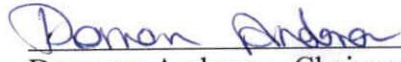
**IT IS FURTHER ORDERED** that the Respondent must pay all fines imposed by the Board within ninety (90) days from the date of this Order, or its license shall be immediately suspended until all amounts owed are paid.

**IT IS FURTHER ORDERED**, in accordance with 23 DCMR § 800.1, the violation found by the Board in this Order shall be deemed a primary tier violation.

**IT IS FURTHER ORDERED** that the Board's findings of fact and conclusions of law contained in this Order shall be deemed severable. If any part of this determination is deemed invalid, the Board intends that its ruling remain in effect so long as sufficient facts and authority support the decision.

The ABRA shall deliver copies of this Order to the Government and the Respondent.

District of Columbia  
Alcoholic Beverage Control Board

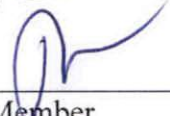
  
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Donovan Anderson, Chairperson

  
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Nick Alberti, Member

  
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Mike Silverstein, Member

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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).