

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

In the Matter of:

Los Cuates Restaurant, Inc.
t/a Los Cuates Restaurant

Holder of a
Retailer's Class CR License

at premises
1564 Wisconsin Avenue, NW
Washington, D.C. 20007

Case No.: 19-CC-00048
License No.: ABRA-079261
Order No.: 2019-653

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member
Rafi Crockett, Member

ALSO PRESENT: Los Cuates Restaurant, Inc., t/a Los Cuates Restaurant, Respondent

Lindsay Marks, Assistant Attorney General,
on behalf of the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER APPROVING THE OFFER-IN-COMPROMISE

This matter arises from a Notice of Status and Show Cause Hearing (Notice) issued by the Alcoholic Beverage Control Board (Board) in the matter of Los Cuates Restaurant, Inc., t/a Los Cuates Restaurant (Respondent), located at 1564 Wisconsin Avenue, NW, Washington, D.C. 20007.

The Alcoholic Beverage Regulation Administration (ABRA) served the Notice in Case No. 19-CC-00048 on the Respondent on August 6, 2019. *ABRA Show Cause File No. 19-CC-00048, Notice of Status and Show Cause Hearing (August 6, 2019).* The

Notice charges the Respondent with two (2) violations, 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 in Case No. 19-CC-00048, charged the Respondent with the following violations:

- Charge I: [On Saturday, March 30, 2019], [y]ou or another person at the licensed establishment sold an alcoholic beverage to a person under 21 years of age, in violation of D.C. Official Code § 25-781...
- Charge II: [On Saturday, March 30, 2019], [y]ou or your agent or employee failed to take steps reasonably necessary to ascertain whether a person to whom you sold an alcoholic beverage was of the legal drinking age, in violation of D.C. Official Code § 25-783(b)...

ABRA Show Cause File No. 19-CC-00048, Notice of Status Hearing and Show Cause Hearing, 2-3 (August 6, 2019).

At the Show Cause Status Hearing held on September 18, 2019, the Respondent and the Government entered into an Offer-in-Compromise (OIC), which resolved the charges set forth above.

The terms of the OIC are as follows:

1. For Charge I – The Respondent shall pay a \$3,000 fine for the violation alleged in Charge I; shall have its license suspended for five (5) days; with all five (5) days stayed for one (1) year; and all employees who serve alcoholic beverages shall complete alcohol awareness training within ninety (90) days from the date of this Order.
2. For Charge II – Dismissed.

By agreeing to the terms of the OIC, the Respondent waives its right to a Show Cause Hearing and appeal. The OIC has been reduced to writing and is formally approved through this Order.

ORDER

Therefore, the Board, on this 18th day of September, 2019, hereby **APPROVES** the OIC proffered by the Government and the Respondent and **ORDERS** Los Cuates Restaurant, Inc., t/a Los Cuates Restaurant, to comply with the terms of the OIC.

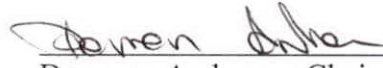
IT IS FURTHER ORDERED that the Respondent will:

- (1) Remit the total fine in the sum of \$3,000 payable on or before October 18, 2019;
- (2) Incur a five (5) day suspension, with all five (5) days stayed for one (1) year; and
- (3) All employees who serve alcoholic beverages shall complete alcohol awareness training within ninety (90) days from the date of this Order.

Failure to remit the amount in full within the time specified will result in the suspension of the license until the amount is paid.

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

District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



James Short, Member



Bobby Cato, Member

Rema Wahabzadah, Member



Rafi Crockett, 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).