

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

In the Matter of:

Bilen, LLC
t/a Minnesota Liquor

Holder of a
Retailer's Class A License

at premises
2237 Minnesota Avenue, SE
Washington, D.C. 20032

Case No.: 22-CC-00012
License No: ABRA-106557
Order No: 2022-845

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rafi Aliya Crockett, Member
Jeni Hansen, Member
Edward S. Grandis, Member

ALSO PRESENT: Bilen, LLC, t/a Minnesota Liquor, Respondent

Kevin Lee, Counsel, on behalf of the Respondent

Shani C. Brown, Assistant Attorney General
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER APPROVING THE OFFER-IN-COMPROMISE

The above-mentioned parties have petitioned the Alcoholic Beverage Control Board (Board) to approve an offer-in-compromise (OIC) to settle one or more violations of Title 25 of the D.C. Official Code (Title 25) and Title 23 of the D.C. Municipal Regulations (Title 23) in accordance with D.C. Official Code § 2-509(a).

ORDER

Therefore, on this 2nd day of November 2022, the Board **APPROVES** the OIC appended to this Order. The terms of the OIC are as follows:

1. The Respondent admits to a violation of the statutes or regulations listed in the OIC attached to this Order.
2. The Respondent shall follow and abide by the terms and conditions of the attached OIC in accordance with D.C. Official Code §§ 2-509(a), 25-447(f), and 25-823(a)(6).
3. The Respondent waives all rights to notice or appearance before the Board.
4. The Respondent waives the right to a hearing, call witnesses, present evidence, and otherwise contest the charges as provided in Title 25 and Title 23.
5. The Respondent waives the right to judicial review or appeal of this Order. The Respondent further agrees not to collaterally attack the disposition imposed by this Order.
6. The parties agree that the attached OIC constitutes the entire agreement of the parties.

The Show Cause Hearing in this matter is cancelled. ABRA shall deliver copies of this Order to the Government and the Respondent.

District of Columbia
Alcoholic Beverage Control Board

eSigned via Seamedocs.com
Donovan Anderson
Key: 6421808994555942730002010008

Donovan Anderson, Chairperson

eSigned via Seamedocs.com
James Short
Key: 9474e2708005d6a0b218002842004e

James Short, Member

eSigned via Seamedocs.com
Bobby Cato
Key: 2560367a8b4146874673ed79170208

Bobby Cato, Member

Rafi Crockett, Member

eSigned via Seamedocs.com
Jeni Hansen, Member
Key: 82170621850347431b06092a41608

Jeni Hansen, Member

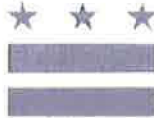
eSigned via Seamedocs.com
Edward Grandis, Member
Key: 5027bda78f60040ec14adeb52641ce5

Edward S. Grandis, 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 II 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).

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**



IN THE MATTER OF:	
BILEN, LLC t/a MINNESOTA LIQUOR,	Case No. 22-CC-00012 License No. 106557 Retailer Class A
Respondent.	

OFFER IN COMPROMISE FOR BOARD APPROVAL

The District of Columbia, jointly with the licensee (respondent) submits this Offer in Compromise (OIC) to the Alcoholic Beverage Control Board (Board), as authorized by 23 DCMR § 1611.5, for approval by the Board.

The Parties understand that if the Board approves the OIC, the case will conclude, the scheduled Show Cause Hearing will be vacated and under 23 DCMR § 1611.6, the OIC shall constitute a waiver of appeal and judicial review. Respondent will be obligated to abide by the terms of the OIC shown below. If the Board does not approve the OIC, the matter will be continued to the scheduled Show Cause Hearing, currently set for December 7, 2022.

The respondent has been advised that there is no obligation to accept an OIC. Respondent has been advised, through service of the Notice of Status Hearing and Show Cause Hearing that at a Show Cause Hearing, respondent may: be represented by legal counsel, have subpoenas issued to require the production of witnesses and evidence, produce witnesses and evidence, cross-examine witnesses, and apply to the Board for a qualified interpreter.

The OIC terms are as follows:

Charge I: Sale of alcoholic beverages to a minor.

Statutory Authority: D.C. Code § 25-781.

- (1) **Fine:** \$2,000 within thirty (30) days or its license shall be suspended indefinitely until this fine is paid.
- (2) **Suspension:** Respondent's ABC license shall be suspended for 5 days, with all 5 days stayed for 1 year.
- (3) **Other terms:**
Training: All employees who sell/serve alcoholic beverages in the licensed establishment shall complete an alcohol training program within 3 months from the OIC's date.

Charge II: Failure to take reasonable steps necessary to ascertain legal drinking age.

Statutory Authority: D.C. Code § 25-783.

Fine: \$1,000 within sixty (30) days or its license shall be suspended indefinitely until this fine is paid.

Dated: October 31, 2022.

Respectfully submitted,

KARL A. RACINE
Attorney General for the District of Columbia

CHAD COPELAND
Deputy Attorney General
Civil Litigation Division

/s/ Kimberly M. Johnson
KIMBERLY M. JOHNSON [435163]
Chief, Civil Enforcement Section

/s/ Charles J. Coughlin
CHARLES J. COUGHLIN [1016993]
Assistant Chief, Civil Enforcement Section

/s/ Shani C. Brown
SHANI C. BROWN [1617726]
Assistant Attorney General
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(202) 724-6606
(202) 741-0554 (fax)
Email: Shani.Brown1@dc.gov

ATTORNEYS FOR THE DISTRICT OF COLUMBIA

CONSENT OF RESPONDENT

By this Offer in Compromise, I agree to accept and perform its terms. I acknowledge the validity of the OIC and waive a hearing to which I would have a right under D.C. Code § 25-826.

I also recognize that I am waiving any right to appeal an adverse ruling of the Board that might have followed any such hearing. By this settlement, I waive all such rights. I sign this OIC without reservation, and I fully understand its meaning and my rights.

SENAY 
Respondent

11-01-2022
Date

CERTIFICATE OF SERVICE

I certify that on November 1, 2022, the foregoing Offer in Compromise for Board

Approval was served by electronic mail to:

Kevin Lee
KIC & Associates, PLLC
700 Pennsylvania Ave., S.E., 2nd Floor
Washington, DC 20003
KevinLeeLaw@gmail.com
Counsel for Respondent

Martha Jenkins
General Counsel, ABRA
2000 14th Street, N.W., Suite 400 South
Washington, D.C. 20009
Martha.Jenkins@dc.gov

/s/ Shani C. Brown

Shani C. Brown
Assistant Attorney General