

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

In the Matter of:)
)
Family's Corporation)
t/a My Canton Restaurant)
)
Holder of a)
Retailer's Class CR License)
)
at premises)
1772 Columbia Road, NW)
Washington, D.C. 20009)
)

Case Nos.: 19-CMP-00022
19-251-00107
License No.: ABRA-075479
Order No.: 2021-445

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

ALSO PRESENT: Family's Corporation, t/a My Canton Restaurant, Respondent

Stephen A. Ortiz, 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 4th day of August 2021, 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 SeamlessDocs.com
Donovan Anderson
Key: ac420b99159915f0944b730093d1dced9

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 547ae372f07c0e6ac8d1b332d42649ec

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 256d3fcadfb0146d7f4b75bf17817d20d

Bobby Cato, Member

eSigned via SeamlessDocs.com
Rafi Aliya Crockett, Member
Key: b560a91845e1f9e4016155a5c12f61cc

Rafi Crockett, Member

eSigned via SeamlessDocs.com
Jeni Hansen, Member
Key: 82172931f0509417491b56f0c2a418f9

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward Grandis, Member
Key: 5027bda7f0f0040ec14adab52541ca5

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: FAMILY'S CORPORATION t/a MY CANTON RESTAURANT, Respondent.	Case Nos. 19-CMP-00022, 19-251-00107 License No. 075479 Retailer Class CR
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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, these cases will conclude, the scheduled Show Cause Hearings 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 Hearings, currently set for a date to be determined, in case no. 19-CMP-00022, and August 4, 2021, in case no. 19-251-00107.

The respondent has been advised that there is no obligation to accept the OIC. Respondent has been advised, through service of the Notices of Status Hearing and Show Cause Hearing that at a Show Cause Hearings, 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.

Case No. 19-CMP-00022

Charge I: Increased Interior Occupancy.

Statutory Authority: D.C. Code § 25-823(a)(7).

- (1) Fine: N/A.
- (2) Suspension: N/A.
- (3) Other term: Dismissed.

Case No. 19-251-00107

Charge I: Interference with an investigation.

Statutory Authority: D.C. Code § 25-823(a)(5).

- (1) Fine: \$2,500 to be paid within 120 days or the license will be suspended until the fine is paid.
- (2) Suspension: N/A.
- (3) Other term: N/A.

Dated: August 3, 2021.

Respectfully submitted,

KARL A. RACINE
Attorney General for the District of Columbia

CHAD COPELAND
Deputy Attorney General
Civil Litigation Division

/s/ Fernando Rivero
FERNANDO RIVERO [478765]
Assistant Chief, Civil Enforcement Section


/s/ Stephen A. Ortiz
STEPHEN A. ORTIZ [1721407]
Assistant Attorney General
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400 Sixth Street, N.W.
Washington, D.C. 20001
(202) 442-9867
(202) 741-0574 (fax)

Stephen.Ortiz@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.

/s/  _____
Respondent
Jose Polio

August 3, 2021
DATE

CERTIFICATE OF SERVICE

I certify that on August 3, 2021, the foregoing Offer in Compromise for Board Approval was served by electronic mail or by U.S. mail, first class postage pre-paid, to:

Jose Polio, President
Family's Corporation t/a My Canton Restaurant
1772 Columbia Road, N.W.
Washington, D.C. 20009
Jhoseguevara@yahoo.com
Respondent

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

/s/ Stephen A. Ortiz
Stephen A. Ortiz
Assistant Attorney General