

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

In the Matter of:

Metarail, LLC t/a
Prego Again

Holder of a
Retailer's Class B License

1617 17th Street, N.W.
Washington, D.C. 20009

Case No.: 18-CC-00036
License No.: 90326
Order No: 2018-503

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

ALSO PRESENT: Metarail, LLC, t/a Prego Again, Respondent

Christopher Sousa, 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

This matter arises from the allegations and charges filed by the Office of the Attorney General for the District of Columbia contained in the Notice of Status Hearing and Show Cause for Case Number 18-CC-00036. The Government and the Respondent appeared before the Alcoholic Beverage Control Board on August 15, 2018, and requested the approval of an offer-in-compromise (OIC), which the Board approved.

ORDER

Therefore, on this 15th day of August 2018, the Board hereby **APPROVES** the OIC. Per the OIC, the Respondent agrees and is subject to the following:

1. The Respondent understands the charges filed against it and knowingly and voluntarily enters this plea. The Respondent further agrees, except for any charges that have been dismissed, that it committed the charges described by the Office of the Attorney General in the notice identified above.
2. The designated representative appearing at the hearing is authorized to enter this plea.
3. The Respondent waives the right for appeal and judicial review of this Order.
4. The six stayed suspension days from Case No. 16-CC-00166 are triggered and go into effect based on the violations contained in this Order.
5. The Respondent shall pay a fine of \$5,000 and receive a fifteen day suspension, with twelve (12) days served, and with three (3) days stayed that shall not go into effect so long as the licensee does not commit any additional violations within one year from the date of this Order, in order to resolve Charge I, which charges a violation of D.C. Official Code § 25-781;
6. Charge II is dismissed; and
7. The Respondent shall pay a fine of \$4,000 in order to resolve Charge III, which charges a violation of D.C. Official Code § 25-345(b).

IT IS FURTHER ORDERED that the Respondent must pay all fines imposed by the Board, totaling \$9,000, within 120 days from the date of this Order, or its license shall be immediately suspended until all amounts owed are paid.

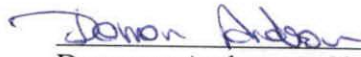
IT IS FURTHER ORDERED that the Respondent shall serve its suspension starting on December 17, 2018 and ending at 11:59 p.m. on January 4, 2019.

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

The Board further **ADVISES** the Respondent that it is accruing a large amount of serious violations that may warrant stiffer penalties or revocation in the future if it commits additional violations.

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

District of Columbia
Alcoholic Beverage Control Board

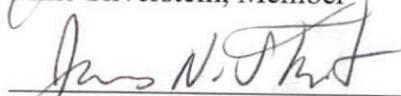


Donovan Anderson, Chairperson

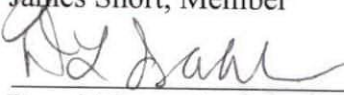
Nick Alberti, Member




Mike Silverstein, Member



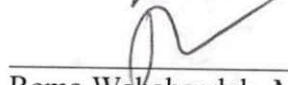
James Short, Member



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).