

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

In the Matter of:

Rito Loco, LLC
t/a Rito Loco-El Techo

Holder of a
Retailer's Class CR License

at premises
606 Florida Avenue, N.W.
Washington, D.C. 20001

Case No.: 20-AUD-00020
License No.: ABRA-104119
Order No.: 2021-257

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

ALSO PRESENT: Rito Loco, LLC, t/a Rito Loco-El Techo, Respondent

Sidon Yohannes, Counsel, on behalf of the Respondent

Walter Adams II, Assistant Attorney General
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER APPROVING OIC

The above-mentioned parties filed an offer-in-compromise (OIC) that was reviewed by the Alcoholic Beverage Control Board on May 5, 2021. The OIC resolves the enforcement action described in the above-mentioned case. The Board approved the OIC at the hearing.

ORDER

Therefore, on this 5th day of May 2021, the Board **APPROVES** the OIC presented by the parties. The terms of the OIC shall be binding and are described below.

1. For the charge described in Case No. 20-AUD-00020, the Respondent shall pay a \$2,000 fine for violating D.C. Official Code § 25-113(b)(2)(A) (Charge I). The Respondent shall further submit all quarterly reports owed to the agency that are still outstanding.

IT IS FURTHER ORDERED that all fines shall be payable within 120 days of this Order.

The 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: 3c42c896c5d580e4c7306c3d1c0c...

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com

James Short

Key: 547ae373f920d6c821b3526d204...

James Short, Member

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Bobby Cato

Key: 288d3f61f141494f7f6175d4f917d2...

Bobby Cato, Member

Rema Wahabzadah, Member

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Rema Wahabzadah

Key: b566e91845e1f9e401d155a3c12f81...

Rafi Crockett, Member

eSigned via SeamlessDocs.com

Rafi Crockett

Key: 82172931c5594474d1b56f6c2a418f...

Jeni Hansen, Member

eSigned via SeamlessDocs.com

Jeni Hansen

Key: 5027bda7f9f0d40ec14edeb52541ce...

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 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).

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



<p>IN THE MATTER OF:</p> <p>RITO LOCO, LLC t/a RITO LOCO-EL TECHO,</p> <p style="text-align:center">Respondent.</p>	<p>Case No. 20-AUD-00020 License No. 104119 Retailer Class CR</p>
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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 § 1604.5, for approval by the Board.

The Parties understand that if the Board approves the OIC, appeal and judicial review are waived under 23 DCMR § 1611.6, scheduled hearings will be vacated, and the case will conclude. Respondent will be obligated to abide by the fine, suspension or other OIC term shown below. If the Board does not approve the OIC, the matter will be continued to the scheduled Show Cause Hearing on a date to be determined.

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: Failed to file a quarterly statement, by the date and in the manner prescribed by the Board.

Statutory Authority: D.C. Code § 25-113(b)(2)(A).

(1) Fine: \$2,000 to be paid within one hundred twenty (120) days or the ABC license will be suspended until the fine is paid.

(2) Other term: Licensee must submit the subject quarterly statement if it has not yet submitted it.

Dated: April 28, 2021.

Respectfully submitted,

KARL A. RACINE
Attorney General for the District of Columbia

TONI MICHELLE JACKSON
Deputy Attorney General
Public Interest Division

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

/s/ Walter Adams II
WALTER ADAMS II [459131]
Assistant Attorney General
441 Fourth Street, N.W., Suite 630-S
Washington, D.C. 20001
(202) 727-6262
(202) 730-1498 (fax)
Email: Walter.Adams@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.



Respondent

5/4/2021
DATE



Attorney for Respondent

5/4/2021
DATE

CERTIFICATE OF SERVICE

I certify that on May 4, 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:

Daniel Diaz, Managing Member
Rito Loco, LLC
t/a Rito Loco-El Techo
606 Florida Avenue, N.W.
Washington, D.C. 20001
louie@ritoloco.com

Sidon Yohannes, Esq.
The Veritas Law Firm
1225 19th Street, N.W., Suite 320
Washington, D.C. 20036
syohannes@theveritaslawfirm.com

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

/s/ Walter Adams II
Walter Adams II
Assistant Attorney General