

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

In the Matter of:)

1714 C, LLC)
t/a Rosemarino D'Italia)

Holder of a)
Retailer's Class CT License)

at premises)
1714 Connecticut Avenue, NW)
Washington, D.C. 20009)

Case No.: 22-CMP-00013
License No.: ABRA-109613
Order No.: 2022-263

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

ALSO PRESENT: 1714 C, LLC, t/a Rosemarino D'Italia, Respondent

Collin C. Cenci, 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 8th day of June 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 SeamlessDocs.com
Donovan Anderson
Key: ac4306f66905f1e64673009301dccc8

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 547ae773f8205e6ec5d1b003d02949ec

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 256d3fcadfb6146d774b75bd7017672bd

Bobby Cato, Member

eSigned via SeamlessDocs.com
Rafi Aliya Crockett, Member
Key: b5d0e91845e109e401d155e5c12f81cc

Rafi Crockett, Member

eSigned via SeamlessDocs.com
Jeni Hansen, Member
Key: 82172901d050c474b1b505c2a4180f

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward Grandis, Member
Key: 5027bda7f870040ec14adeb52541ce5

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: 1714 C, LLC, t/a ROSEMARINO D'ITALIA, Respondent.	Case No.: 22-CMP-00013 License No. 109613 Retailer Class CT
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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, scheduled hearings will be vacated, the cases will conclude and appeal and judicial review are waived under 23 DCMR § 1611.6. Respondent will be obligated to abide by the OIC terms shown below. If the Board does not approve the OIC, the matter will be continued to a show cause hearing on June 29, 2022.

The respondent has been advised that there is no obligation to accept the 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: Allowed the establishment to be use for unlawful purpose (patron argument outside establishment).

Statutory Authority: D.C. Code § 25-823(a)(2).

Dismissed: This charge is dismissed.

Charge II: Exceeded interior occupancy.

Statutory Authority: D.C. Code § 25-762(b)(1).

Warning: The Board resolves this charge with a warning.

Charge III: Sold alcohol to an intoxicated patron.

Statutory Authority: D.C. Code § 25-781(a)(2).

Dismissed: This charge is dismissed.

Charge IV: Failed to post window lettering.

Statutory Authority: D.C. Code § 25-711(b).

Fine: \$250 payable within 120 days or its license shall be suspended indefinitely until the fine is paid.

Charge V: Interfered with an ABRA investigation.

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

Fine: \$1,000 payable within 120 days or its license shall be suspended indefinitely until the fine is paid.

Dated: June 6, 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 [435613]
Chief, Civil Enforcement Section

/s/ Charles J. Coughlin

CHARLES J. COUGHLIN [1016993]
Assistant Chief, Civil Enforcement Section

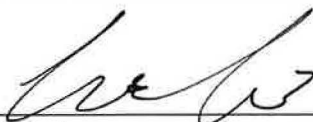
/s/ Collin C. Cenci

COLLIN C. CENCI [1673064]
Assistant Attorney General
400 Sixth Street, N.W., Suite 10100
Washington, D.C. 20001
(202) 256-2810
collin.cenci@dc.gov

ATTORNEYS FOR THE DISTRICT OF COLUMBIA

CONSENT OF RESPONDENT

By consenting to 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
Rosemeri Espinoza, LLC Member
1714 C, LLC
t/a Rosemarino D'Italia
1714 Connecticut Ave., N.W.
Washington, D.C. 20009

06/03/2022

DATE

CERTIFICATE OF SERVICE

I certify that on June 6, 2022, the foregoing Offer in Compromise for Board Approval was served by electronic mail to:

Rosemeri Espinoza, LLC Member
1714 C, LLC
t/a Rosemarino D'Italia
1714 Connecticut Ave., N.W.
Washington, D.C. 20009

Respondent

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

/s/ Collin C. Cenci
Collin C. Cenci
Assistant Attorney General