

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

In the Matter of:

Fernando Postigo
t/a Sol Mexican Grill

Holder of a
Retailer's Class CT License

at premises
1251 H Street, NE
Washington, D.C. 20002

Case No.: 21-CMP-00081
License No.: ABRA-092192
Order No.: 2022-942

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

ALSO PRESENT: Fernando Postigo, t/a Sol Mexican Grill, 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 7th day of December 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 SeallessDocs.com
Donovan Anderson
Key: 5d48a09604f81004c73d0003130078

Donovan Anderson, Chairperson

eSigned via SeallessDocs.com
James Short
Key: 547cc373523566cc8516332a02946c

James Short, Member

eSigned via SeallessDocs.com
Bobby Cato
Key: 2b9d31ca17a1d8f774c7b6d7917d7c8

Bobby Cato, Member

Rafi Crockett, Member

eSigned via SeallessDocs.com
Jeni Hansen, Member
Key: 8275917c0344745b5569c148837

Jeni Hansen, Member

eSigned via SeallessDocs.com
Edward Grandis, Member
Key: 50277b3a78560940ec14acbb32541ce5

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:	
FERNANDO POSTIGO/FERNANDO POSTIGO t/a SOL MEXICAN GRILL,	Case No. 21-CMP-00081 License No. 92192 Retailer Class CT
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, appeal and judicial review are waived under 23 DCMR § 1611.6, the scheduled Show Cause Hearing will be vacated and this case will conclude. Respondent will be obligated to abide by the terms of the OIC shown below. If the Board does not approve the OIC, litigation of this Show Cause Hearing will continue.

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.

Charge I: Operated a Summer Garden without endorsement.

Statutory Authority: D.C. Code § 25-113.01(c).

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

Charge II: Made substantial changes without approval.

Statutory Authority: D.C. Code § 25-762(b)(2).

Other term: Charge dismissed.

Charge III: Changed trade name without approval.

Statutory Authority: 23 DCMR 600.1

Other term: Mandatory Warning

Dated: December 1, 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/ Stephen A. Ortiz
STEPHEN A. ORTIZ [1721407]
Assistant Attorney General
Suite 10100
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.

fernando postigo

fernando postigo (Dec 1, 2022 08:28 EST)

Respondent,
Fernando Postigo, Sole Owner
Fernando Postigo/Fernando Postigo t/a
Sol Mexican Grill
1251 H Street, N.E.
Washington, D.C. 20002

12/01/2022

DATE

CERTIFICATE OF SERVICE

I certify that on December 1, 2022, the foregoing Offer in Compromise for Board Approval was served by electronic mail to:

Fernando Postigo
1251 H Street, N.E.
Washington, D.C. 20002
Fernando@solmexicngrilldc.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