

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

In the Matter of:

Kilala Enterprises, LLC
t/a Sushi Capitol

Holder of a
Retailer's Class DR License

at premises
325 Pennsylvania Avenue, SE
Washington, D.C. 20003

Case No.: 18-AUD-00088
License No.: ABRA-092785
Order No.: 2019-187

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

PARTIES: Kilala Enterprises, LLC, t/a Sushi Capitol, 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 SUA SPONTE DISMISSING CASE NO. 18-AUD-00088

This case arises from the Notice of Status Hearing and Show Cause Hearing (Notice), which the Board executed on January 31, 2019. The Alcoholic Beverage Regulation Administration (ABRA) served the Notice on the Respondent, located at premises 325 Pennsylvania Avenue, SE, Washington, D.C. 20003, on February 5, 2019.

The Notice charged the Respondent with the following violation:

Charge I: You failed to file a Quarterly Statement, in violation of D.C. Official Code § 25-113(b)(2)(A)...

ABRA Show Cause File No. 18-AUD-00088, Notice of Status Hearing and Show Cause Hearing, 2 (January 31, 2019).

Only the Government appeared at the Status Hearing on February 27, 2019. A Show Cause Hearing was scheduled for March 20, 2019.

The Respondent also failed to appear at the Show Cause Hearing held on March 20, 2019. The Board proceeded to hearing pursuant to D.C. Official Code § 25-447(e), which allows for an ex parte proceeding.

After the Show Cause Hearing, but prior to the issuance of a Board Order, Minoru Ogawa on behalf of the Respondent, surrendered its Retailer's Class DR License No. ABRA-092785 to the Alcoholic Beverage Regulation Administration for cancellation.

On March 3, 2019, the Board cancelled the Respondent's License No. ABRA-086013. *See* Board Order No. 2019-179, rendering any decision in Case No. 18-AUD-00088 moot.

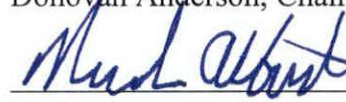
ORDER

Therefore, the Board, on this 10th day of April, 2019, *sua sponte* **DISMISSES** Case No. 18-AUD-00088 against the Respondent. A copy of this Order shall be sent to the Respondent and the Government.

District of Columbia
Alcoholic Beverage Control Board



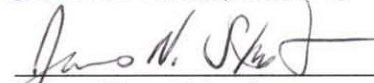
Donovan Anderson, Chairperson



Nick Alberti, Member



Mike Silverstein, Member



James Short, 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, 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).