

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

In the Matter of:)
)
Texas Convenience Store, Inc.)
t/a Texas Grocery Store)
)
Holder of a)
Retailer's Class A License)
)
)
at premises)
4350 Texas Avenue, SE)
Washington, D.C. 20019)
)

Case No.: 19-CC-00099
License No.: ABRA-094776
Order No.: 2020-104

BEFORE: Donovan Anderson, Chairperson
James Short, Member
Bobby Cato, Member
Rema Wahabzadah, Member
Rafi Crockett, Member
Jeni Hansen, Member

ALSO PRESENT: Texas Convenience Store, Inc., t/a Texas Grocery Store,
Respondent

Jason Facci, Assistant Attorney General,
on behalf of the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER APPROVING THE OFFER-IN-COMPROMISE

This matter arises from a Notice of Status and Show Cause Hearing (Notice) issued by the Alcoholic Beverage Control Board (Board) in the matter of Texas Convenience Store, Inc., t/a Texas Grocery Store (Respondent), located at 4350 Texas Avenue, SE, Washington, D.C. 20019.

The Alcoholic Beverage Regulation Administration (ABRA) served the Notice in Case No. 19-CC-00099 on the Respondent on November 14, 2019. *ABRA Show Cause File No. 19-CC-00099, Notice of Status and Show Cause Hearing (November 7, 2019)*. The Notice charges the Respondent with two violations, which if proven true, would justify the imposition of a fine, as well as the suspension or revocation of the Respondent's license.

Specifically, the Notice in Case No. 19-CC-00099, charged the Respondent with the following violations:

- Charge I: [On Thursday, July 11, 2019], [y]ou or another person at the licensed establishment, sold an alcoholic beverage to a person under 21 years of age, in violation of D.C. Official Code § 25-781(a)(1)...
- Charge II: [On Thursday, July 11, 2019], [y]ou or your agent or employee failed to take steps reasonably necessary to ascertain whether a patron to whom you sold an alcoholic beverage was of the legal drinking age, in violation of D.C. Official Code § 25-783(b)...

ABRA Show Cause File No. 19-CC-00099, Notice of Status Hearing and Show Cause Hearing, 2-3 (November 7, 2019).

At the Show Cause Hearing held on February 12, 2020, the Respondent and the Government entered into an Offer-in-Compromise (OIC), which resolved the charges set forth above.

The terms of the OIC are as follows:

1. For Charge I – The Respondent shall pay a \$4,000 fine for the violation alleged in Charge I and shall have its license suspended for ten (10) days; with four (4) days served, and six (6) of those days stayed for one (1) year pending completion of alcohol awareness training for all employees who serve alcoholic beverages within ninety (90) days from the date of this Order.
2. For Charge II – The Respondent shall pay a \$2,500 fine for the violation alleged in Charge II.
3. In addition, the Respondent shall serve a five (5) day suspension activated from Case No. 19-CC-00035.

The OIC has been reduced to writing and is formally approved through this Order.

ORDER

Therefore, the Board, on this 12th day of February, 2020, hereby **APPROVES** the OIC proffered by the Government and the Respondent and **ORDERS** Texas Convenience Store, Inc., t/a Texas Grocery Store, to comply with the terms of the OIC.

IT IS FURTHER ORDERED that the Respondent will:

- (1) Remit the total fine in the sum of \$6,500 payable on or before April 13, 2020; and
- (2) Incur a total of fifteen (15) day suspension, with nine (9) days served and six (6) days stayed for one (1) year pending completion of alcohol awareness training for all employees who serve alcoholic beverages within ninety (90) days from the date of this Order. The four (4) day suspension from Case No. 19-CC-00099 will be served from February 24, 2020 through February 27, 2020; and the remaining five (5) day suspension activated from Case No. 19-CC-00035 will be served from March 23, 2020 through March 27, 2020.

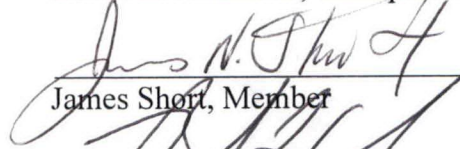
Failure to remit the amount in full within the time specified will result in the suspension of the license until the amount is paid.

A copy of this Order shall be sent to the Respondent and to the Government.

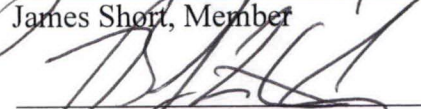
District of Columbia
Alcoholic Beverage Control Board

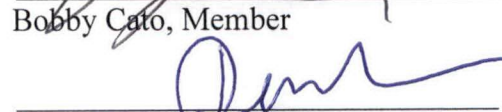


Donovan Anderson, Chairperson




James Short, Member


Bobby Cato, Member


Rema Wahabzadah, Member


Rafi Crockett, Member


Jeni Hansen, 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).