

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

In the Matter of:

Green Island Heaven and Hell, Inc.
t/a The Green Island Cafe/Heaven & Hell

Holder of a
Retailer's Class CT License

at premises
2327 18th Street, NW
Washington, D.C. 20009

Case No.: 17-CC-00118
License No.: ABRA-074503
Order No.: 2018-265

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

ALSO PRESENT: Green Island Heaven and Hell, Inc., t/a The Green Island
Cafe/Heaven & Hell, Respondent

Walter Adams, II, 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 Green Island Heaven and Hell, Inc., t/a The Green Island Cafe/Heaven & Hell (Respondent), located at 2327 18th Street, NW, Washington, D.C. 20009.

The Alcoholic Beverage Regulation Administration (ABRA) served the Notice in Case No. 17-CC-00118 on the Respondent on April 6, 2018. *ABRA Show Cause File No. 17-CC-00118, Notice of Status and Show Cause Hearing (April 2, 2018)*. The Notice charges the Respondent with three 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. 17-CC-00118, charged the Respondent with the following violations:

- Charge I: [On Wednesday, November 1, 2017], [y]ou sold and permitted the consumption of alcoholic beverages to a persons under 21 years of age, in violation of D.C. Official Code § 25-781...
- Charge II: [On Wednesday, November 1, 2017], [y]ou, your agent, or your employee did not take steps reasonably necessary to ascertain whether the persons to whom you sold, served, or delivered alcoholic beverages to were of legal drinking age, in violation of D.C. Official Code § 25-783...
- Charge III: [On Wednesday, November 1, 2017], [y]ou violated the terms of the Security Plan dated January 14, 2010 by failing to have sufficient security guards at the establishment's entrance, in violation of D.C. Official Code § 25-823(a)(6)...

ABRA Show Cause File No. 17-CC-00118, Notice of Status Hearing and Show Cause Hearing, 2-4 (April 2, 2018).

At the Show Cause Hearing held on May 2, 2018, 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 \$3,000 fine for the violation alleged in Charge I and shall have its license suspended for 5 (5) days; with all (5) days to be served;
2. For Charge II – The Respondent shall pay a \$1,000 fine for the violation alleged in Charge II and shall have its license suspended for five (5) days, with all five (5) 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; and
3. For Charge III – The Respondent shall pay a \$2,500 fine for the violation alleged in Charge III.

By agreeing to the terms of the OIC, the Respondent hereby waives its right to a Show Cause Hearing and appeal. The OIC has been reduced to writing and is formally approved through this Order.

ORDER

Therefore, the Board, on this 2nd day of May, 2018, hereby **APPROVES** the OIC proffered by the Government and the Respondent and **ORDERS** Green Island Heaven and Hell, Inc., t/a The Green Island Cafe/Heaven & Hell, to comply with the terms of the OIC.

IT IS FURTHER ORDERED that the Respondent will:

- (1) Remit the fine in the total sum of \$6,500 payable on or before August 2, 2018;
and
- (2) Incur a total of ten (10) day suspension, with five (5) days served and five (5) 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 five (5) day suspension will be served from August 20 through August 24, 2018.

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.

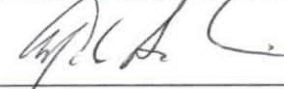
District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson

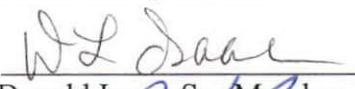


Nick Alberti, Member

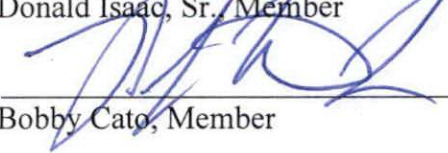


Mike Silverstein, Member

James Short, Member



Donald Isaac, Sr., 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).