

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

In the Matter of:)	
)	
)	
Partners At 723 8th St SE, LLC)	Case No.: 20-CMP-00037
t/a The Ugly Mug Dining Saloon/Valor Brew Pub)	License No.: ABRA-071793
)	Order No.: 2021-502
Holder of a)	
Retailer's Class CR License)	
)	
at premises)	
723 8th Street, SE)	
Washington, D.C. 20003)	

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

ALSO PRESENT: Partners At 723 8th St SE, LLC, t/a The Ugly Mug Dining Saloon/Valor Brew Pub, 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 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 15th day of September 2021, 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: 6c43c8e6e9d5f0e4e730a9d1eccc9

Donovan Anderson, Chairperson

eSigned via SeamlessDocs.com
James Short
Key: 947a079925964a81e302a9241e1

James Short, Member

eSigned via SeamlessDocs.com
Bobby Cato
Key: 2b6d3fca07be149d7f4b75b07917d20a

Bobby Cato, Member

eSigned via SeamlessDocs.com
Rafi Aliya Crockett, Member
Key: 1d0f0e03e4d1f0e406d155ab01291e0

Rafi Crockett, Member

eSigned via SeamlessDocs.com
Jeni Hansen, Member
Key: 8217200c55c44743e1e69e3441a0f

Jeni Hansen, Member

eSigned via SeamlessDocs.com
Edward Grandis, Member
Key: 5027bda7f79f0040ec14af0b505410e5

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: PARTNERS AT 723 8TH ST SE, LLC t/a THE UGLY MUG DINING SALOON/VALOR BREW PUB, Respondent.	Case No. 20-CMP-00037 License No. 071793 Retailer Class CR
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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, 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, the matter will be continued to the scheduled Show Cause Hearing, currently set for September 15, 2021.

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: The licensee failed to follow the terms of its license by operating outside of the Board approved hours of operation.

Statutory Authority: D.C. Code § 25-823(a)(7).

- (1) Fine: \$1,000 to be paid within 120 days or its license will be suspended until the fine is paid.
- (2) Suspension: N/A.
- (3) Other term: N/A.

Charge II: The licensee failed to follow the terms of its settlement agreement by operating outside of the approved hours of operation.

Statutory Authority: D.C. Code § 25-823(a)(6).

- (1) Fine: N/A.
- (2) Suspension: N/A.
- (3) Other term: Dismissed.

Charge III: The licensee failed to follow the terms of its settlement agreement by operating a sidewalk café outside of the approved hours.

Statutory Authority: D.C. Code § 25-823(a)(6).

- (1) Fine: N/A.
- (2) Suspension: N/A.
- (3) Other term: Dismissed.

Charge IV: The licensee failed to post a warning sign.

Statutory Authority: D.C. Code § 25-712(a) and 23 DCMR § 719.1.

- (4) Fine: N/A.
- (5) Suspension: N/A.

(3) Other term: Mandatory Warning.

Dated: September 13, 2021.

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/ Stephen A. Ortiz
STEPHEN A. ORTIZ [1721407]
Assistant Attorney General
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400 Sixth Street, N.W.
Washington, D.C. 20001
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(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.



Respondent
Gaynor Jablonski

September 13, 2021
DATE

CERTIFICATE OF SERVICE

I certify that on September 13, 2021, the foregoing Offer in Compromise for Board Approval was served by electronic mail or by U.S. mail, first class postage pre-paid, to:

Gaynor Jablonski, Managing Member
Partners at 723 8th ST SE LLC
t/a The Ugly Mug Dining Saloon/Valor Brew Pub
723 8th Street, S.E.
Washington, D.C. 20003
gaynorj@gmail.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