

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

In the Matter of:	)	
	)	
Zho Hospitality Group, LLC	)	Case No.: N/A
t/a Umayya	)	License No.: ABRA-094099
	)	Order No.: 2019-685
Holder of a	)	
Retailer's Class CT License	)	
	)	
733 10th Street, N.W.	)	
Washington, D.C. 20001	)	

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

**ALSO PRESENT:** Zho Hospitality Group, LLC, t/a Umayya, Applicant  
  
Ely Hurwitz, Esq., Counsel, on behalf of the Applicant  
  
Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

---

**ORDER GRANTING WAIVER OF CLEAN HANDS REQUIREMENT FOR THE  
2019 RENEWAL CYCLE**

---

The Alcoholic Beverage Control Board received a request from Zho Hospitality Group, LLC, t/a Umayya, (Applicant) holder of a Retailer's Class CT License, to exempt the Applicant from complying with the "clean hands" requirement. In order to qualify for renewal, the Applicant must satisfy the "clean hands" requirement, which provides that

(b) Notwithstanding § 47-2861(1)(B), the Board shall not issue a license or permit to an applicant if the applicant has failed to file required District tax returns or owes more than \$ 100 in outstanding debt to the District as a result of the items specified in § 47-2862(a)(1) through (9), subject to the exceptions specified in § 47-2862(b).

D.C. Code § 25-301(b). Section 47-2862(b) provides that

(b) For purposes of this section, if: (A) the amount of outstanding debt over \$100 is subject to dispute, (B) the applicant has properly and timely appealed the infraction, assessment, tax, or basis for the alleged debt, and (C) the appeal is pending, then the outstanding debt shall not be cause for the District government to deny the issuance or reissuance of any license or permit pursuant to subsection (a) of this section. Nothing in this section shall be construed as allowing the nonpayment of any tax, fee, fine, penalty, or any other debt owed to the District government for which payment is required by other law.

D.C. Code § 47-2862(b).

The Applicant currently avers that it is appealing the assessment of the D.C. Office of Tax and Revenue (OTR) and has an outstanding case before the D.C. Office of Administrative Hearings (OAH), which qualifies it for a waiver of the clean hands requirement provided by § 47-2862(b). OTR has further informed ABRA that all other outstanding tax matters have been sufficiently resolved.

### **ORDER**

Based on the foregoing, the Board, on this 23rd day of October 2019, hereby **GRANTS** the Applicant's request to waive the clean hands requirement during the 2019 renewal cycle.

**IT IS FURTHER ORDERED**, as a condition of licensure imposed pursuant to D.C. Official Code § 25-104(e), that the Applicant shall file a clean hands certificate within thirty (30) days of a final decision from OAH or the District of Columbia Court of Appeals, should the Applicant file an appeal with the court.

A copy of this Order shall be sent to the Applicant.

District of Columbia  
Alcoholic Beverage Control Board



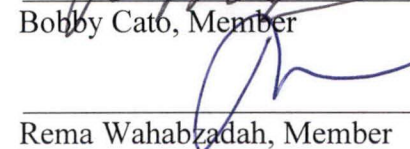
Donovan Anderson, Chairperson



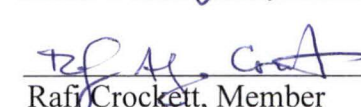
James Short, Member



Bobby Cato, Member



Rema Wahabzadah, Member



Rafi Crockett, Member

Under 23 DCMR § 1719.1 (2008), 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, Reeves Center, 2000 14th Street, NW, 400S, Washington, D.C. 20009.

Also, under 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, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration under 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).