

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

In the Matter of:)
)
FD, LLC)
t/a Unity)
)
Holder of a)
Retailer's Class CT License)
)
at premises)
1936 9th Street, NW)
Washington, D.C. 20001)
)

Case No.: 18-251-00202
License No.: ABRA-109064
Order No.: 2019-175

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

ALSO PRESENT: FD, LLC, t/a Unity (Respondent)

Sidon Yohannes, Counsel, on behalf of the Respondent

Christopher Sousa, 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 FD, LLC, t/a Unity (Respondent) located at 1936 9th Street, NW, Washington, D.C. 20001.

The Alcoholic Beverage Regulation Administration (ABRA) served the Notice in Case No. 18-251-00202 on the Respondent on January 31, 2019. *ABRA Show Cause File*

No. 18-251-00202. The Notice charges the Respondent with four (4) 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. 18-251-00202 charged the Respondent with the following violations:

Charge I: [On Monday, October 15, 2018], you failed to preserve a crime scene, in violation of D.C. Official Code § 25-823(a)(8)...

Charge II: [On Monday, October 15, 2018], you interfered with an investigation by delaying and failing to provide requested surveillance footage, in violation of D.C. Official Code § 25-823(a)(5)...

Charge III: You made a false statement of material fact to ABRA investigators, in violation of D.C. Official Code § 25-766...

Charge IV: You failed to make a copy of the licensed establishment's Settlement Agreement immediately accessible to an ABRA official, in violation of D.C. Official Code § 25-711(a)...

ABRA Show Cause File No. 18-251-00202, Notice of Status Hearing and Show Cause Hearing, 2-3 (January 24, 2019).

At the Show Cause Status Hearing held on April 3, 2019, 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 \$1,500 fine for the violation alleged in Charge I.
2. For Charge II – Dismissed.
3. For Charge III – Dismissed.
4. For Charge IV – Warning.

By agreeing to the terms of the OIC, the Respondent hereby waives its right to a Show Cause Hearing and appeal.

ORDER

Therefore, the Board, on this 3rd day of April, 2019, hereby **APPROVES** the OIC proffered by the Government and the Respondent.

IT IS ORDERED that the Respondent will:

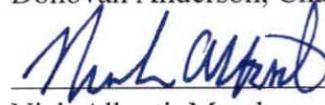
- (1) Remit the fine in the total sum of \$1,500 in Case No. 18-251-00202 payable on or before May 3, 2019. Failure to remit the amount in full within the time specified will result in the suspension of the license until the amount is paid.

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

District of Columbia
Alcoholic Beverage Control Board



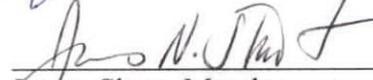
Donovan Anderson, Chairperson



Nick Alberti, Member



Mike Silverstein, Member



James Short, Member



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).