

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

In the Matter of:)
)
Wineandbutter, LLC)
t/a Wine and Butter)
)
Holder of a)
Retailer's Class B License)
)
at premises)
1023 East Capitol Street, SE)
Washington, D.C. 20003)
)

Case No.: 19-CC-00019
License No.: ABRA-105990
Order No.: 2019-315

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

ALSO PRESENT: Wineandbutter, LLC, t/a Wine and Butter, Respondent

Jessica Gunzel, 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 Wineandbutter, LLC, t/a Wine and Butter (Respondent), located at 1023 East Capitol Street, SE, Washington, D.C. 20003.

The Alcoholic Beverage Regulation Administration (ABRA) served the Notice in Case No. 19-CC-00019 on the Respondent on April 24, 2019. *ABRA Show Cause File*

No. 19-CC-00019, Notice of Status and Show Cause Hearing (March 29, 2019). The Notice charges the Respondent with two (2) 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-00019, charged the Respondent with the following violations:

- Charge I: [On Saturday, February 2, 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...
- Charge II: [On Saturday, February 2, 2019], [y]ou or your agent or employee failed to take steps reasonably necessary to ascertain whether the persons 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-00019, Notice of Status Hearing and Show Cause Hearing, 2-3 (March 29, 2019).

At the Show Cause Status Hearing held on May 1, 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 \$2,000 fine for the violation alleged in Charge I and shall have its license suspended for five (5) days; with one (1) day served, and four (4) of those days stayed for one (1) year from the date of this Order.
2. For Charge II – Dismissed.

By agreeing to the terms of the OIC, the Respondent 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 1st day of May, 2019, hereby **APPROVES** the OIC proffered by the Government and the Respondent and **ORDERS** Wineandbutter, LLC, t/a Wine and Butter, to comply with the terms of the OIC.

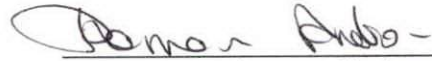
IT IS FURTHER ORDERED that the Respondent will:

- (1) Remit the fine in the sum of \$2,000 payable on or before June 3, 2019; and
- (2) Incur a total of five (5) day suspension, with one (1) day served and four (4) days stayed for one (1) year from the date of this Order. The one (1) day suspension will be served on May 6, 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



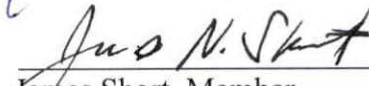
Donovan Anderson, Chairperson



Nick Alberti, Member

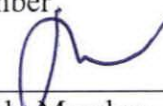


Mike Silverstein, Member



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).