

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

In the Matter of:

Prester John's Corporation
t/a Wisemillers Grocery & Deli

Holder of a
Retailer's Class B License

at premises
1236 36th Street, NW
Washington, D.C. 20007

Case No.: 18-CC-00013
License No.: ABRA-005950
Order No.: 2018-589

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:

Prester John's Corporation, t/a Wisemillers Grocery & Deli,
Respondent

Andrew Kline, Counsel, on behalf of the 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 Prester John's

Corporation, t/a Wisemillers Grocery & Deli (Respondent), located at 1236 36th Street, NW, Washington, D.C. 20007.

The Alcoholic Beverage Regulation Administration (ABRA) served the Notice in Case No. 18-CC-00013 on the Respondent on July 17, 2018. *ABRA Show Cause File No. 18-CC-00013, Notice of Status and Show Cause Hearing (July 10, 2018)*. The Notice charges the Respondent with two 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-CC-00013, charged the Respondent with the following violations:

- Charge I: [On Saturday, February 17, 2018], [y]ou sold alcoholic beverages to persons under 21 years of age, in violation of D.C. Official Code § 25-781...
- Charge II: [On Saturday, February 17, 2018], [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(b)...

ABRA Show Cause File No. 18-CC-00013, Notice of Status Hearing and Show Cause Hearing, 2-3 (July 10, 2018).

At the Show Cause Status Hearing held on October 17, 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 \$3,250 fine for the violation alleged in Charge I and shall have its license suspended for ten (10) days; with four (4) days served, and six (6) of those 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.
2. For Charge II – Dismissed.
3. In addition, the Respondent shall serve a five (5) day suspension activated from Case No. 17-CC-00034.

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 17th day of October, 2018, hereby **APPROVES** the OIC proffered by the Government and the Respondent and **ORDERS** Prester John's Corporation, t/a Wisemillers Grocery & Deli, to comply with the terms of the OIC.

IT IS FURTHER ORDERED that the Respondent will:

- (1) Remit the fine in the sum of \$3,250 payable on or before November 19, 2018;
and
- (2) Incur a total of fifteen (15) day suspension, with nine (9) days served and six (6) 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 nine (9) day suspension will be served from December 24, 2018 through January 1, 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



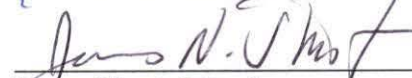
Donovan Anderson, Chairperson



Nick Alberti, Member



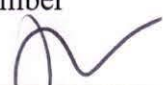
Mike Silverstein, Member



James Short, Member

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).