

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

In the Matter of:

TGR, LLC
t/a Cities DC

Holder of a
Retailer's Class CR License

at premises
1909 K Street, N.W.
Washington, D.C. 20006

Case No.: 16-CMP-00335
License No.: 077812
Order No.: 2017-074

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
James Short, Member
Jake Perry, Member

ALSO PRESENT: TGR, LLC, t/a Cities DC, Respondent

Louise Phillips, Assistant Attorney General
Office of the Attorney General for the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

**ORDER GRANTING IN PART AND DENYING IN PART RESPONDENT'S
MOTION FOR RECONSIDERATION**

On January 11, 2017, the Alcoholic Beverage Control Board found that TGR, LLC, t/a Cities D.C. (hereinafter "Respondent" or "Cities") violated District of Columbia (D.C.) Official Code §§ 25-701 and 25-823(a)(5) on March 25, 2016, by failing to have a legally required licensed manager present and for interfering with an investigation. *In re TGR, LLC, t/a Cities DC*, Case No. 16-CMP-00335, Board Order No. 207-005, 1 (D.C.A.B.C.B. Jan. 11, 2017). Based on these offenses, Cities received a fine of \$7,000 and seven suspension days, which were triggered by the conditions set in prior cases. *Id.* at 5.

The Respondent filed a motion for reconsideration requesting that the Board reconsider the facts, the suspension, and grant an extension of time. *Mot. for Recon.*, at 1. The Board grants the Respondent 90 days from the date of issuance of the initial Order to pay the fine. The Board denies the remaining requests contained in the motion.

The Respondent's claims regarding the motivations of its agents contained in the motion do not change the fact that the Respondent's agent, Mr. Kamouei, told an employee not to provide their identification to an investigator conducting a lawful investigation. *Id.* It also does not change the fact that the Respondent's agent lied to the investigator and refused to cooperate with his investigation. *In re TGR, LLC, t/a Cities DC*, Board Order No. 207-005 at ¶ 17. Consequently, the Board upholds the finding of guilt and the penalty imposed.

ORDER

Therefore, the Board, on this 15th day of February 2017, hereby **GRANTS** the Respondent 90 days from January 11, 2017 to pay the fine issued in Board Order No. 207-005. The remaining requests contained in the motion are **DENIED**.

District of Columbia
Alcoholic Beverage Control Board



Donovan Anderson, Chairperson



Mike Silverstein, Member

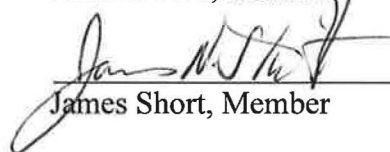


Jake Perry, Member

I concur with the Board's decision to uphold the decision contained in Board Order No. 207-005, but dissent with the majority's decision to grant an extension of time to pay the fine.



Nick Alberti, Member



James Short, 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).