

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

In the Matter of:

1606 K, LLC
t/a Fuel Pizza & Wings

Holder of a
Retailer's Class CR License

at premises
1606 K Street, N.W.
Washington, D.C. 20002

Case Nos.: 15-CMP-00058
15-CMP-00359

License No.: ABRA-088452
Order No.: 2016-087

BEFORE: Donovan Anderson, Chairperson
Nick Alberti, Member
Mike Silverstein, Member
Ruthanne Miller, Member
James Short, Member

ALSO PRESENT: 1606 K, LLC, t/a Fuel Pizza & Wings

Walter Adams II, Assistant Attorney General, on behalf of the
District of Columbia

Rema Wahabzadah, on behalf of the Respondent

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER APPROVING THE OFFER-IN-COMPROMISE¹

ABRA Case Nos. 15-CMP-00058 and 15-CMP-00359 arise from the Notices of Status and Show Cause Hearing (Notices) issued by the Alcoholic Beverage Control Board (Board) in the matter of 1606 K, LLC, t/a Fuel Pizza & Wings (Respondent) located at 1606 K, Street, N.W., Washington, D.C. 20002.

In Case No. 15-CMP-00058, the Board issued a Notice stemming from violations observed by an ABRA Investigator on December 18, 2014, and December 19, 2014. While conducting routine monitoring of the area in which the licensed establishment is located on December 18, 2014, an ABRA Investigator observed an open grease container containing remnants of cooked food, old grease, and garbage which had spilled onto the ground in violation of D.C. Official Code § 25-726. *ABRA Show Case File No. 15-CMP-00058*. On December 19, 2014, the ABRA Investigator returned to the establishment to advise management of the violation he observed the day before. *Id.* The Investigator was told, however, that neither the owner nor an ABC Manager was available in violation of D.C. Official Code § 25-701 and 23 DCMR § 707.1. *Id.* During his visit, the ABRA Investigator observed patrons being served and consuming alcoholic beverages. *Id.*

In Case No. 15-CMP-00359, ABRA issued a Notice stemming from a violation observed by an ABRA Investigator on April 25, 2015. On April 25, 2015, an ABRA Investigator visited the licensed establishment to issue an ABRA Service Form. *Show Cause File No. 15-CMP-00359*. When the Investigator asked an employee to speak with the ABC Manager or owner, he was told that neither was present. *Id.* During his visit, the Investigator observed patrons consuming alcoholic beverages. *Id.*

At the Show Cause Status Hearing held on February 24, 2016, 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) In Case No. 15-CMP-00058:
 - a. For Charge I – A written warning shall be issued to the Respondent.
 - b. For Charge II – The Respondent shall pay a \$2,000 fine for the violation alleged in Charge II.

¹ On February 24, 2016, the Government and the Respondent entered into an Offer-in-Compromise which resolved the charges pending against Fuel Pizza in Case Nos. 15-CMP-00058 and 15-CMP-00359 regarding its location at 1606 K St., N.W., and in Case Nos. 15-AUD-00054, 15-CMP-00341, 15-CC-00089, 15-CMP-00766, and 15-CMP-00765 involving its 600 F St., N.W. location. A separate Board Order has been issued for the licensed establishment's location at 1606 K Street, N.W. *See* Board Order No. 2016-087.

(2) In Case No. 15-CMP-00359:

- a. For Charge I – The Respondent shall pay a \$2,000 fine for the violation alleged in Charge I.

ORDER

Therefore, the Board, on this 2nd day of March, 2016, hereby **APPROVES** the OIC proffered by the Government and the Respondent on February 24, 2016, and **ORDERS** 1606 K, LLC, t/a Fuel Pizza & Wings, to comply with the terms of the OIC.

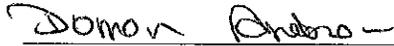
IT IS FURTHER ORDERED that the Respondent will remit the fine in the total of \$2,000 for Charge I in Case No. 15-CMP-00058, payable on or before April 9, 2016, if the fine is not paid by April 9, 2016, the license will be suspended until the fine is paid. A warning letter shall be issued for Charge II.

IT IS FURTHER ORDERED that the Respondent will remit the fine in the total of \$2,000 in Case No. 15-CMP-00359, payable on or before April 9, 2016, if the fine is not paid by April 9, 2016, the license will be suspended until the fine is paid.

IT IS FURTHER ORDERED that the Respondent's Investigative History will reflect the adjudication of two secondary tier violations for this matter.

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

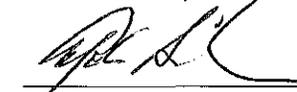
District of Columbia
Alcoholic Beverage Control Board



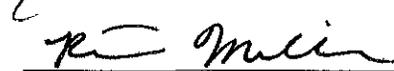
Donovan Anderson, Chairperson



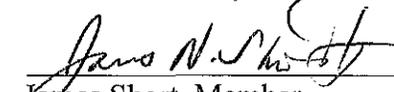
Nick Alberti, Member



Mike Silverstein, Member



Ruthanne Miller, 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).