

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

---

**In the Matter of:** )  
 )  
H & Y Chun Corporation )  
t/a Michigan Liquors )  
 )  
Holder of a )  
Retailer's Class A License )  
 )  
at premises )  
3934 12th Street, N.E. )  
Washington, D.C. 20017 )

---

Case No.: 15-CC-00007  
License No.: ABRA-023640  
Order No.: 2016-037

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

**ALSO PRESENT:** H & Y Chun Corporation, t/a Michigan Liquors  
  
Fernando Rivero, 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 case arises from a Notice of Status and Show Cause Hearing (Notice) issued by the Alcoholic Beverage Control Board (Board) in the matter of H & Y Chun Corporation, t/a Michigan Liquors (Respondent) located at 3934 12th Street, N.E., Washington, D.C. The Alcoholic Beverage Regulation Administration (ABRA) served the Notice in Case Number 15-CC-00007 on the Respondent on July 9, 2015. *ABRA Show Cause File No., 15-CC-00007*. The Notice charges the Respondent with three

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 charges the Respondent with the following violations:

- Charge I: [On Friday, February 6, 2015] [y]ou permitted the sale of alcoholic beverage to a person under the age of twenty-one (21) years, in violation of D.C. Official Code § 25-781(a)...
- Charge II: [On Friday, February 6, 2015] [y]ou failed to take steps reasonably necessary to ascertain whether any person to whom you sell, deliver, or serve an alcoholic beverage is of legal drinking age, in violation of D.C. Official Code § 22-783 (b)...
- Charge III: [On Friday, February 6, 2015] [y]ou failed to maintain the presence of Board-approved Manager at your establishment during the sale of alcoholic beverages, in violation of D.C. Official Code § 22-701 (a)...

*ABRA Show Cause File No., 15-CC-00007, Notice of Status Hearing and Show Cause Hearing, 2-3 (July 8, 2015).*

At the Show Cause Hearing held on January 27, 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. For Charge I – The Respondent shall pay a \$3,000 fine for the violation alleged in Charge I.
2. For Charge I – The Respondent shall have its license suspended for five (5) days. The suspension will be stayed for a period of one (1) year unless the Board finds that the Respondent committed a violation with one (1) year from the date of this Order.
3. For Charge II – The Respondent shall pay a \$2,000 fine for the violation alleged in Charge II.
4. For Charge II – The Respondent shall have its license suspended for five (5) days. The suspension will be stayed for a period of one (1) year unless the Board finds that the Respondent committed a violation with one (1) year from the date of this Order.
5. For Charge III – The Respondent shall pay a \$350 fine for the violation alleged in Charge III.

By agreeing to the terms of the OIC, the Respondent hereby 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 27th day of January, 2016, hereby **APPROVES** the OIC proffered by the Government and the Respondent on January 27, 2016, and **ORDERS** H & Y Chun Corporation, t/a Michigan Liquors to comply with the terms of the OIC.

**IT IS FURTHER ORDERED** that the Respondent will remit the fine in the total amount of \$5,350 no later than sixty (60) days from the date of this Order. Failure to remit the amount in full within the time specified will result in the suspension of the license until the amount is paid.

**IT IS FURTHER ORDERED** that the Respondent will also receive ten (10) days suspension of its license, all days stayed for one year provided that no further violations are committed.

**IT IS FURTHER ORDERED** that the Respondent's Investigative History will reflect the adjudication of a first Sale to Minor violation and a first secondary tier violation for this matter.

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

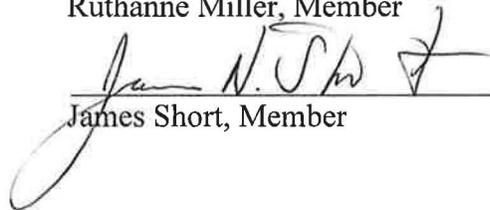
District of Columbia  
Alcoholic Beverage Control Board

  
\_\_\_\_\_  
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 14<sup>th</sup> 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).