

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

In the Matter of:

Po Boy Jim, LLC
t/a Po Boy Jim

Holder of a
Retailer's Class CR License

at premises
709 H Street, N.E.
Washington, D.C. 20002

Case Nos.: 15-CMP-00494
15-CMP-00463
15-CMP-00648
License No.: ABRA-087903
Order No.: 2016-062

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

ALSO PRESENT: Po Boy Jim, LLC, t/a Po Boy Jim

Maureen Zaniel, Senior Assistant Attorney General, on behalf of
the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER APPROVING THE OFFER-IN-COMPROMISE

These cases arise from a Citation No. 4597 and Notices of Status and Show Cause Hearing (Notices) issued by the Alcoholic Beverage Control Board (Board) in the matter of Po Boy Jim, LLC, t/a Po Boy Jim (Respondent) located at 709 H Street, N.E., Washington, D.C.

The Alcoholic Beverage Regulation Administration (ABRA) issued Citation No. 4597 to the Respondent on August 1, 2015, in the amount of \$500.00, for failure to file quarterly statements with the Board, on dates and in the manner prescribed by the Board,

reporting for the preceding quarter: the gross receipts for the establishment; its gross receipts for sales of alcoholic beverages; its gross receipts for the sale of food; its total expenses for the purchase of food; and its expenses for the purchase of alcoholic beverages, violating D.C. Official Code § 25-113(b)(2)(A).

ABRA Show Cause File No.15-CMP-00648, Citation No. 4597 (August 1, 2015).

ABRA also served the Notices in Case Nos. 15-CMP-00494 and 15-CMP-00463 on the Respondent on November 9, 2015. *Show Cause File Nos.15-CMP-00494 and 15-CMP-00463*.

The Notices charge the Respondent with a total of four 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. 15-CMP-00494, charged the Respondent with the following violations:

- Charge I: [On Thursday, July 23, 2015] [y]ou failed to have an owner or Board approved manager on site during the sale, service or consumption of an alcoholic beverage, in violation of D.C. Official Code § 22-701...
- Charge II: [On Thursday, July 23, 2015] [y]ou failed to comply with the terms of your Settlement Agreement, in violation of D.C. Official Code § 25-446(e)...

ABRA Show Cause File No. 15-CMP-00494, Notice of Status Hearing and Show Cause Hearing, 2-3 (November 2, 2015).

In addition, the Notice in Case No. 15-CMP-00463, charged the Respondent with the following violations:

- Charge I: [On Friday, August 7, 2015] [y]ou failed to take reasonable measures to ensure that the immediate environs of the establishment, including adjacent alleys, sidewalks, or other public property immediately adjacent to the establishment, or other property used by the licensee to conduct its business, are kept free of litter, in violation of D.C. Official Code § 22-726...
- Charge II: [On Friday, August 7, 2015] [y]ou failed to comply with the terms of your Settlement Agreement, in violation of D.C. Official Code § 25-446(e)...

ABRA Show Cause File No. 15-CMP-00463, Notice of Status Hearing and Show Cause Hearing, 2 (November 2, 2015).

At the Show Cause Status Hearing held on February 10, 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-00494:

- a. For Charge I – The Respondent shall pay a \$350.00 fine for the violation alleged in Charge I.
- b. For Charge II – The Respondent shall pay a \$350.00 fine for the violation alleged in Charge II.

(2) In Case No. 15-CMP-00463:

- a. For Charge I – The Respondent shall pay a \$350.00 fine for the violation alleged in Charge I.
- b. For Charge II – Dismissed.

(3) In Case No. 15-CMP-00648:

- a. The Respondent shall pay a \$500.00 fine for the violation alleged in Citation No. 4597.

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

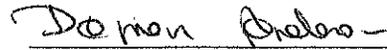
Therefore, the Board, on this 10th day of February, 2016, hereby **APPROVES** the OIC proffered by the Government and the Respondent on February 10, 2016, and **ORDERS** Po Boy Jim, LLC, t/a Po Boy Jim, to comply with the terms of the OIC.

IT IS FURTHER ORDERED that the Respondent will remit the fine in the total amount of \$1,550.00 payable on 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.

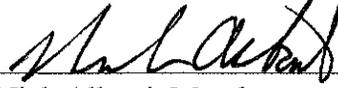
IT IS FURTHER ORDERED that the Respondent's Investigative History will reflect the adjudication of four secondary tier violations for this matter.

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



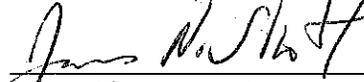
Nick Alberti, Member



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).