

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

<b>In the Matter of:</b>	)	
	)	
Adams Morgan Spaghetti Gardens, Inc.	)	Case No.: 14-AUD-00122
t/a Spaghetti Garden Brass	)	
Monkey Peyote Roxanne	)	License No.: 010284
	)	Order No.: 2015-140
Holder of a	)	
Retailer's Class CR License	)	
	)	
at premises	)	
2317 18th Street, N.W.	)	
Washington, D.C. 20009	)	

**BEFORE:** Ruthanne Miller, Chairperson  
Nick Alberti, Member  
Donald Brooks, Member  
Herman Jones, Member  
Mike Silverstein, Member  
Hector Rodriguez, Member  
James Short, Member

**ALSO PRESENT:** Iraj Askarinam, on behalf of Adams Morgan Spaghetti Gardens Inc. t/a Spaghetti Garden Brass Monkey Peyote Roxanne

Fernando Rivero, Assistant Attorney General, on behalf of the District of Columbia

Martha Jenkins, General Counsel  
Alcoholic Beverage Regulation Administration

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**ORDER APPROVING THE OFFER-IN-COMPROMISE**

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This case arises from a Notice of Status Hearing and Show Cause Hearing (Notice) issued by the Alcoholic Beverage Control Board (Board) in the matter of Adams Morgan Spaghetti Gardens Inc. t/a Spaghetti Garden Brass Monkey Peyote Roxanne (Respondent) located at 2317 18th Street, N.W., Washington, D.C.

The Alcoholic Beverage Regulation Administration (ABRA) served the Notice in Case Number 14-AUD-00122 on the Respondent on April 2, 2015. *ABRA Show Cause File No., 14-AUD-00122*. The Notice charges the Respondent with four violations, which if proven to be 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 November 6, 2014] [y]ou failed to keep and maintain on the premises adequate books and records showing all sales, purchase invoices, and dispositions to establish the requisite gross annual food sales of at least \$2000.00 per occupant (as determined by your establishment's Board-approved certificate of occupancy) for the 2013 calendar year, in violation of D.C. Official Code § 25-113 (b)(3)(B)(i)...
- Charge II: [On November 6, 2014] [y]ou failed to keep and maintain on the premises adequate books and records showing all sales, purchase invoices, and dispositions to establish the requisite gross annual food sales of at least \$2000.00 per occupant (as determined by your establishment's Board-approved certificate of occupancy) for the 2013 calendar year, in violation of D.C. Official Code § 25-113 (b)(3)(B)(i)...
- Charge III: You failed to keep and maintain available upon the licensed premises, either physically or electronically, records which include invoices and delivery slips and which adequately and fully reflect all purchases, sales, and deliveries of all alcoholic beverages, except beer, made during the 2013 calendar year, in violation of 23 DCMR § 1204.1...
- Charge IV: You failed to exhibit that your establishment qualifies as a restaurant in violation of 23 DCMR § 2100...

*ABRA Show Cause File No., 14-AUD-00122*, Notice of Status Hearing and Show Cause Hearing 1-3 (February 25, 2015).

At the Show Cause Status Hearing held on April 8, 2015, the Respondent and the Government entered into an Offer in Compromise (OIC), which resolved the charges set forth above. By agreeing to the terms of the OIC, the Respondent hereby waives its right to a Show Cause Hearing and appeal. The Board formally approves the OIC through this Order.

The terms of the OIC are as follows:

- I. The Respondent will remit a fine in the total amount of \$9,000 no later than the date of this Order.

The specific penalty for this case is as follows:

- A. The Respondent shall receive a Mandatory Warning for the violation alleged in Charge I.
- B. The Respondent shall receive a Mandatory Warning for the violation alleged in Charge II.
- C. The Respondent shall pay a \$4,000 fine for the violation alleged in Charge III. This violation is the Respondent's third Primary Tier violation within three years.
- D. The Respondent shall pay a \$5,000 fine for the violation alleged in Charge IV. This violation is the Respondent's third Primary Tier violation within three years.

### **ORDER**

Therefore, the Board, on this 8th day of April, 2015, hereby **APPROVES** the OIC submitted on April 8, 2015, and **ORDERS** Adams Morgan Spaghetti Gardens Inc. t/a Spaghetti Garden Brass Monkey Peyote Roxanne located at 2317 18th Street, N.W., Washington D.C.

It is further **ORDERED** that the Respondent shall abide by all laws and regulations of the District of Columbia and shall operate in accordance with the terms of the OIC.

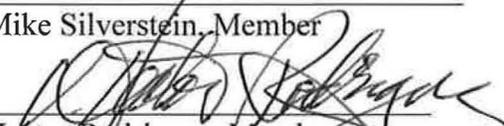
It is further **ORDERED** that the Respondent must pay the fines imposed by the Board no later than the close of business on the date of this Order. If this condition is not met, the Respondent's license shall be immediately suspended until all amounts owed are paid.

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

  
Ruthanne Miller, Chairperson

Mike Silverstein, Member

  
Hector Rodriguez, Member

  
James Short, Member

I dissent from the Board's approval of the OIC.

  
Donald Brooks, Member

Pursuant to 23 DCMR § 1719.1 (2008), 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, NW, 400S, Washington, D.C. 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, 500 Indiana Avenue, N.W., Washington, D.C. 20001. 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).