

Pursuant to the Notice, the Board ordered the suspension of Respondent's license in accordance with D.C. Official Code § 25-826 (2008) and 25-827(a) (2005). The suspension was based upon an investigation conducted by Alcoholic Beverage Regulation Administration (ABRA) Investigator Dorshae Demby as the result of receiving the PD-251, CCN #14198388 incident report from the Second District of the Metropolitan Police Department (MPD) pursuant to D.C. Official Code § 25-827 (2001).

Additionally, the Board's suspension of the Respondent's license was based upon the written request of the Chief of Police Cathy L. Lanier, MPD, dated December 27, 2014, pursuant to D.C. Official Code § 25-827(a), which included a determination made by Chief Lanier that the establishment presented an imminent danger to the health and safety of residents and visitors in the District of Columbia. Notice of Summary Suspension, 1-2 (December 27, 2014).

The Board has the authority to "summarily revoke, suspend, fine, or restrict" a license to sell alcoholic beverages in the District of Columbia if the Board determines after an investigation that the operations of the licensee present "an imminent danger to the health and safety of the public." D.C. Official Code § 25-826(a). If properly requested by the licensee, "[t]he Board shall hold a hearing within 48 hours of receipt of a timely request and shall issue a decision within 72 hours after the hearing." § 25-826(c).

On December 31, 2014, the Respondent requested a Summary Suspension Hearing pursuant to D.C. Official Code § 25-826(c), which was held on January 9, 2015. At the time of the hearing, the Parties submitted to the Board, a proposed Offer in Compromise (OIC) pursuant to 23 DCMR § 1604.5 (2009). The Respondent acknowledged its understanding of and consent to the terms of the OIC.

The OIC has been reduced to writing and has been properly executed and filed with the Board. The Respondent is a signatory to the OIC. The Board formally accepts the OIC through this Order; which is appended to this Order.

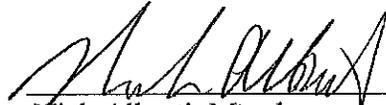
ORDER

Therefore, the Board, on this 9th day of January, 2015, hereby **APPROVES** the Offer-In-Compromise submitted on January 9, 2015, and **ORDERS** the Retailer Class CR License held by Washington 009, LLC, t/a McFaddens, to remain suspended.

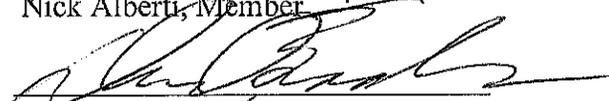
It is further **ORDERED** that the Summary Suspension Hearing will be continued to January 28, 2015 at 9:30 a.m. at which time the Respondent will appear before the Board for a Show Cause Status Hearing.

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

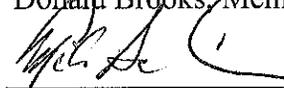
District of Columbia
Alcoholic Beverage Control Board



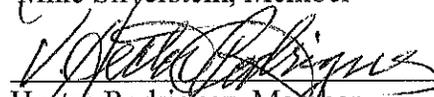
Nick Alberti, Member



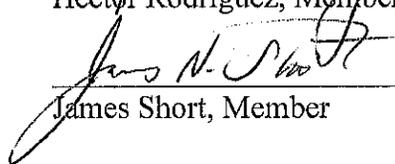
Donald Brooks, Member



Mike Silverstein, Member



Hector Rodriguez, Member



James Short, 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, 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).

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

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OFFER IN COMPROMISE¹

In the Matter of: Washington 009 t/a McFaddens

Officer/owner: John Sullivan, President

Case number: 14-251-00347, Summary Suspension Hearing Date: January 9, 2015.

Incidents occurring on: December 27, 2014.

For the Charge of: Licensee's continued operation presents an imminent danger to the health and safety of the public.

Statutory Authority: D.C. Official Code §25-826 (2012 Repl.).

This offer in compromise will be presented to the Alcoholic Beverage Control Board by the Assistant Attorney General at the summary suspension proceeding. Please be advised that this is a proposed compromise. Accordingly, it is the discretion of the Board to accept or reject this offer.

The offer in compromise consists of the Licensee agreeing to all the following terms:

- (1) The Licensee will cease operating its business at 2401 Pennsylvania Avenue, NW. This provision shall take effect the date the Chief of Police Closure letter was issued on Saturday, December 27, at 4 p.m.
- (2) The summary suspension hearing will be continued until January 28, 2015 at 9:30 a.m.
- (3) The License shall remain suspended pending the scheduling by the Board of a show cause status hearing to occur on January 28, 2015 at 9:30 a.m. and a show cause hearing to occur on February 11, 2015 at 11 a.m.
- (4) The Licensee agrees to waive the 30 day show cause hearing notice requirement set forth in D.C. Code Section 25-447(c).
- (5) The scheduled show cause hearing shall include all pending or outstanding charges against the licensee.

¹ Authorized under 23 DCMR 1604.5 (2011).

Licensee hereby agrees to the foregoing conditions in resolution of the summary suspension in this matter.



Licensee

 1/7/15

Attorney for Licensee